

09-14-00

## CONTINUING PATENT APPLICATION TRANSMITTAL

(for Continuing Applications  
under 37 C.F.R. §1.53(b))

Attorney Docket No. 66688

First Named Inventor or  
Application Identifier: Barr

10905 U.S. PTO

09/661171

Box PATENT APPLICATION  
Commissioner of Patents and Trademarks  
ATTENTION: Assistant Commissioner  
for Patents  
Washington, D.C. 20231

Sir:

This is a request under 37 C.F.R.  
§1.53(b) for filing a:

- ( ) Continuation application,  
( ) Divisional application,  
(X) Continuation-in-Part application,

of pending prior application number 09/433,039,

filed on October 25, 1999 of Christopher D. Barr and Mark C. Mikol  
(Date) (Inventor(s))

for END-LOAD CARTON PACKAGING INCLUDING FOOD DELIVERY SYSTEM  
(Title)

1. ( ) This is a continuation or divisional application. Enclosed is a copy of the prior application as originally filed, including specification, claims, drawings, and oath or declaration.

- or -

- (X) Enclosed is a patent application (for continuation, divisional, or continuation-in-part applications) containing:

(X) 19 pages of the specification (including claims).

(X) 17 sheets of drawings ( ) Formal ( ) Informal.

2. (X) Amend the specification by inserting before the first line the sentence: --This is a [ ] continuation, [ ] division, [X] continuation-in-part, of prior provisional application number 60/160,279, filed October 19, 1999 and prior application number 09/433,039, filed October 25, 1999, which is hereby incorporated herein by reference in its entirety.-- The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied under paragraph 3 below, is considered as being part of the disclosure of the accompanying application, and is hereby incorporated by reference therein.
3. ( ) A copy of the executed oath or declaration filed in the prior nonprovisional application is enclosed.

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4. (X) Inventorship:

(X) A newly-executed oath or declaration and power of attorney is enclosed (for continuation-in-part applications, or for continuation or divisional applications naming an inventor not named in the prior application) (§1.63(a), (d)(5) and (e)).

( ) Because this application is being filed by fewer than all of the inventors named in the prior application, delete the following inventor(s) named in the prior nonprovisional application (37 C.F.R. §1.63(d)(1)(2)):

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( ) The names of persons believed to be the actual inventors are set forth in the enclosed unexecuted oath or declaration and power of attorney (§1.41(a) and §1.53(b)).

5. (X) Assignment(s) of the invention to Kraft Foods Holdings, Inc., and cover sheet are enclosed.

(X) A check in the amount of \$ 40.00 to cover the fee for recording the assignment(s) is enclosed.

6. (X) The prior application is assigned of record to Kraft Foods, Inc.

7. ( ) Small Entity Status (37 C.F.R. §1.28(a)(2)):

( ) A statement of status as a small entity is enclosed.

( ) A statement of status as a small entity was filed in the prior application, and small entity status is still proper and desired in this new nonprovisional application.

( ) Status as a small entity is no longer claimed.

8. ( ) A 37 C.F.R. §3.73(b) statement is enclosed (where an assignee seeks to take action in a matter before the Patent Office).

9. ( ) A preliminary amendment is enclosed.

10. (X) Drawings:

( ) Transfer the drawings from the prior application to this application and abandon said prior application as of the filing date accorded this application. A duplicate copy of this sheet is enclosed for filing in the prior application file. (May be used only if signed by person authorized by §1.138 and before payment of base issue fee.)

(X) New drawings are enclosed.

( ) Informal drawings are enclosed.

11. (X) A separate written request under 37 C.F.R. §1.136(a)(3), which is a general authorization to treat any concurrent or future reply requiring a petition for an extension of time under 37 C.F.R. §1.136(a) for its timely submission as incorporating a petition for an extension of time for the appropriate length of time, is enclosed.

12. ( ) An Information Disclosure Statement is enclosed.

( ) A Form PTO-1449 is enclosed.

( ) \_\_\_\_\_ References (copies) listed on the Form PTO-1449 are enclosed.

13. ( ) A MicroFiche Computer Program (Appendix) is enclosed.

14. (X) A Return Receipt Postcard is enclosed (MPEP §503).

15. ( ) A Nucleotide and/or Amino Acid Sequence Submission is enclosed.

( ) A Computer Readable Copy is enclosed.

( ) A Paper Copy (Identical to Computer Copy) is enclosed.

( ) A Statement Verifying Identity of above Copies is enclosed.

16. ( ) Priority of application number \_\_\_\_/\_\_\_\_ filed on \_\_\_\_\_ in \_\_\_\_\_ is claimed under 35 U.S.C. §119.

( ) The certified copy of the priority document has been filed in prior application number \_\_\_\_/\_\_\_\_, filed \_\_\_\_\_.

( ) A certified copy of the priority document is enclosed.

17. ( ) Power of Attorney:

( ) The power of attorney in the prior application is to: \_\_\_\_\_ Reg. No. \_\_\_\_\_,

FITCH, EVEN, TABIN, & FLANNERY  
Suite 1600  
120 South LaSalle Street  
Chicago, Illinois 60603-3406  
and other members of the firm.

( ) The power appears in the original papers in the prior application.

( ) Since the power does not appear in the original papers in the prior application, a copy of the power in the prior application is enclosed.

18. ( ) Cancel in this application original claims \_\_\_\_\_ of the prior application before calculating the filing fee. (At least one original independent claim must be retained for filing purposes.)

19. (X) The filing fee is calculated below:

Fee Calculation for Claims as Filed in the Prior Application,  
Less Any Claims Cancelled by Amendment

(X) Basic Utility Fee	\$ 760.00	\$760.00
• (x) Independent Claims <u>4</u> - 3 = <u>0</u> x \$ 78.00 =		\$78.00
• (x) Total Claims <u>18</u> - 20 = <u>0</u> x \$ 18.00 =		\$ 0
• ( ) Fee for Multiply Dependent Claims	\$260.00	\$ 0
or		
( ) Basic Design Fee	\$ 310.00	\$ _____
Total of above Calculations		\$ 838.00
Reduction by 50% for Filing by Small Entity		\$ _____
Total		\$ 838.00

20. (X) A check in the amount of \$ 838.00 is enclosed.

21. (X) The Commissioner is hereby authorized to charge any fees which may be required under 37 C.F.R. §§1.16 and 1.17 and are not paid herewith, or credit any overpayment, to Deposit Account Number 06-1135. A duplicate copy of this request is enclosed.

22. (X) Also enclosed:

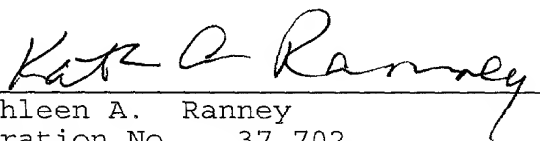
Associate Power of Attorney for Kraft Attorneys  
Associate Power of Attorney for Kathleen A. Ranney

23. (X) Address all future communications to:

FITCH, EVEN, TABIN & FLANNERY  
Suite 1600  
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September 13, 2000

(Date)



Kathleen A. Ranney

Registration No. 37,702

( ) Attorney or agent of record

(X) Filed under §1.34(a)

**END-LOAD CARTON  
PACKAGING INCLUDING FOOD DELIVERY SYSTEM**

**BACKGROUND OF THE INVENTION**

**1. Field of the Invention**

The invention relates generally to containers for food products, and more particularly to a food delivery system and associated packaging for hand-held food products.

**2. Background and Description of Related Art**

In recent years, there has been increased interest in hand-held foods, e.g., single serve food items for consumption without utensils. Such items are intended to be easily handled by the consumer so that they can be eaten in a variety of circumstances, e.g., while driving, without requiring a great deal of time and attention, preferably without leaving residue on the consumer's fingers. In providing a container for this type of product, among the considerations that must be addressed are the ability of the container to receive product in high-speed commercial filling operations; the degree of difficulty that will be encountered by the consumer in dispensing product from the container; the ability of the container to withstand various loads, such as stacking loads, during filling, sealing, shipping, display, and consumer use; the ability of the container to be packed efficiently among like containers; the cost of manufacture of the container; the ability of the container to exclude air to enable acceptable shelf life to be maintained, and the costs and difficulty associated with forming, filling and sealing the container. It is also important that containers of this type be aesthetically pleasing where they are intended to be displayed for commercial sale to consumers in grocery stores and/or other retail establishments.

It is a general object of the invention to provide a lightweight, economical, commercially viable container for food products which adequately addresses the above considerations, and which includes a food delivery system to facilitate dispensing of single servings of hand-held food products.

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**SUMMARY OF THE INVENTION**

The invention provides a food packaging system that preferably includes a system for facilitating progressive or incremental delivery of individual, single-serving hand-held food items to the consumer, along with a carton for containing a plurality of the food items and associated delivery systems. The packaging system provides protection for the food items during packaging, shipping, handling, retail display and consumer use, and also makes them readily accessible to the consumer, without requiring direct manual contact with the food item. The packaging system preferably includes a separate disposable delivery system for each food item.

The food delivery system preferably comprises an elongated tray supporting the food item within an overwrap. The tray preferably has sufficient strength and stiffness to withstand compression loads experienced during packaging, shipping, handling, retail display and consumer use, but also includes at least one predetermined area of weakness to facilitate controlled incremental bending of the tray to improve accessibility to the food item during incremental dispensing thereof. To this end, each side wall preferably comprises a plurality of distinct segments with frangible portions therebetween. The tray preferably may be bent or folded away from the food item so that one end portion of the food item is exposed on all sides while another end portion remains covered by the tray and overwrap to facilitate handling. The tray preferably comprises a bottom wall, a pair of side walls and a pair of end walls to withstand compression on all sides. The end walls enable the product to be withdrawn upwardly from the overwrap after an end of the overwrap has been opened or removed, by pulling upward on the tray, with one of the end walls of the tray being below the food product to push it upward, without requiring the consumer to handle the food product directly.

Each area of weakness preferably include notches in the side walls extending a portion of the height of each side wall, and a line of weakness extending from the bottom of each notch to the bottom wall. The notches and lines of weakness enable the sidewalls to be divided or split at predetermined locations by bending of the tray. To facilitate controlled folding of the bottom wall, the bottom wall includes a weakened area along a line extending between the lines of weakness in the sidewalls. This weakened area may comprise, e.g., an

area of reduced thickness, a score line, a line of perforation, or other means to control bending. The tray may have upper regions of the side walls configured to facilitate engagement by the fingers of a person holding the food delivery system, e.g., one or more curved recesses in the upper edges of the side walls.

The overwrap preferably is hermetic, and may contain a gas flushed environment. The overwrap also preferably comprises a weakened area to facilitate opening. It may be made from one or more layers of suitable food-grade film of plastic material or the like, metal foil and/or paper.

The food item may comprise, for example, breakfast bars or other farinaceous products. One particular food item that may be packaged in accordance with the invention comprises a cream cheese component disposed within a larger farinaceous component or sandwiched between a pair of farinaceous components. The farinaceous components may comprise, e.g., baked bread products, bagel products or other products.

The carton may comprise a side-load carton or an end-load carton. The side-load carton may be assembled by a novel sequence of assembly steps wherein side walls for the carton and side portions of the cover can be formed efficiently and economically to provide a secure yet easily openable, commercially acceptable container.

Filling of the side-load carton involves positioning of food products in their associated delivery systems in horizontal rows of three, then pushing them into the container using a mandrel or the like, with the mandrel contacting one pair of delivery systems only. In the end-load carton, the mandrel may act directly on each of the delivery systems, which may reduce compression loads on the delivery systems as compared with the loads experienced by the delivery systems in contact with the mandrel in the above-described filling arrangement for the side-load carton.

The carton or reclosable display and dispensing container stands upright without support, and is thus, free-standing. Thus, once the carton is opened, or the top is removed by ripping off the cover along the line of weakness, the food items contained therein are readily available for accessibility by the consumer. This free-standing container may be placed on the kitchen shelf or in the refrigerator as an easy access to the food products contained therein. Moreover, the wrapping of the food product item contained therein has edges on the

opposite ends of the food product bar. Thus, when the carton is opened, or the cover is ripped off, the several food product bars contained therein have edges to the wrapping which facilitates grasping by a consumer wishing to remove a food product bar from the display and dispensing container.

### **BRIEF DESCRIPTION OF THE DRAWINGS**

FIGURES 1-4 are diagrammatic perspective views illustrating a method of using a food delivery system in accordance with a first embodiment of the invention;

FIGURE 5 is a perspective view illustrating an elongated tray in accordance with a second embodiment of the invention;

FIGURE 6 is a perspective view illustrating an elongated tray for a food delivery system in accordance with a third embodiment of the invention;

FIGURE 7 is a perspective view illustrating a side load carton in accordance with an embodiment of the invention;

FIGURE 8 is a perspective view illustrating a partially pre-glued, partially assembled precursor to the side load carton of FIGURE 7.

FIGURES 9-21 are perspective views illustrating a sequence of steps of assembling, filling, and sealing the side load carton of FIGURE 7;

FIGURE 22 is a perspective view illustrating the side load carton of FIGURE 7 in open position;

FIGURE 23 is a perspective view illustrating an end load carton in accordance with another embodiment of the invention;

FIGURE 24 is a perspective view illustrating the carton of FIGURE 23 in open position;

FIGURE 25 is a perspective view illustrating the carton of FIGURE 23 in a reclosed position;

FIGURES 26 and 27 are perspective views illustrating the loading of an end load carton through the top end and bottom end, respectively;

FIGURE 28 is a perspective view of another embodiment of the invention, not fully assembled;



FIGURE 29 is a perspective view illustrating the carton of FIGURE 28 in closed position;

FIGURE 30 is a perspective view illustrating the carton of FIGURE 28 in open position;

FIGURE 31 is a perspective view of another embodiment of the invention, not fully assembled;

FIGURE 32 is a perspective view illustrating the carton of FIGURE 31 in closed position;

FIGURE 33 is a perspective view illustrating the carton of FIGURE 31 in open position.

#### **DETAILED DESCRIPTION OF THE PREFERRED EMBODIMENTS**

The invention is preferably embodied in a packaging system that includes a food delivery system as shown in Figs. 1-6, in combination with a carton as shown in Figs. 7-27. In the illustrated embodiments, the packaging system is used in conjunction with hand-held foods, i.e., edible items that may be held in a consumer's hand for consumption without utensils. In other embodiments, the packaging system may be used in conjunction with other food products.

For the purpose of illustrating the food-delivery system of the invention, there are shown in the drawings, which form a material part of this disclosure, preferred embodiments of the invention. The various components of the food delivery system of the present invention may be generally arranged as shown in the drawings, or as described herein below. However, the invention is not limited to the precise arrangements, configurations, dimensions and/or instrumentalities shown in these drawings, or described herein below. The arrangements, configurations, dimensions and instrumentalities may be otherwise, as circumstances require.

A preferred embodiment of the food delivery system will now be described with reference to the drawings. In the drawings, like reference symbols indicate the same components throughout the different views.

FIGS. 1-4 show a food delivery system 30 in accordance with a first embodiment of the invention and its method of use. The food delivery system of Figs. 1-4 generally includes an elongated tray 32 in which the food item 46 is positioned, and an overwrap 34 for the tray and food item.

The elongated tray includes a bottom wall 36, side walls 38, and end walls 40, each side wall 38 having a bottom edge 42 joined to the bottom wall and a top edge 44. The bottom wall 36, side walls 38 and end walls 40 may be held in their positions in any suitable manner, e.g., by adhesives, fasteners, notches and slots in the walls, or other means for maintaining the walls in a fixed relationship to one another. The tray 32 preferably has sufficient strength and stiffness to withstand compression loads experienced during packaging, shipping, handling, retail display and consumer use, but also includes at least one predetermined area of weakness to facilitate controlled bending of the tray to improve accessibility to the food item during progressive dispensing thereof. To this end, each side wall preferably comprises a plurality of distinct segments 33 with frangible portions therebetween. The tray preferably may be bent or folded away from the food item 46 so that one end portion of the food item is exposed on all sides while another end portion remains covered by the tray 32 and overwrap 34 to facilitate handling.

In the illustrated embodiment, the tray 32 comprises a generally rectangular bottom wall 36, a pair of generally rectangular side walls 38, and a pair of generally rectangular end walls 40 to enable the tray to withstand loads on all sides. The end walls enable the product to be withdrawn upwardly from the overwrap after an end of the overwrap has been opened or removed, by pulling upward on the tray, with one of the end walls of the tray being below the food product 46 to push it upward, without requiring the consumer to handle the food product directly. As alternatives to the generally rectangular configuration of the tray in the illustrated embodiments, the tray may, in other embodiments of the invention, be rectangular, elliptical, or even triangular in shape, depending on the food product's geometry.

Each frangible portion preferably is defined by an area of weakness that includes slots or notches 48 in the side walls extending a portion of the height of each side wall 38, and a line of weakness such as a score line or a perforation 50 extending from the bottom of each notch 48 to the bottom wall 36. The notches 48 and lines 50 of weakness enable the

sidewalls to be divided or split at predetermined locations by bending of the tray. In the illustrated embodiments, each of the slots in the sidewalls comprises a notch extending between about 1/4 and about 3/4 of the distance from the top edge of the side wall to the bottom edge of the side wall. Such notches 48 may be any suitable shape which serves to facilitate splitting or tearing the side wall 38 so that the tray may be bent backward.

To facilitate controlled folding of the bottom wall, the bottom wall 36 includes one or more weakened areas 52. Each weakened area 52 may comprise, e.g., an area of reduced thickness, a score line, a line of perforation, or other means to control bending. Each weakened area 52 extends between a pair of slots 48. Thus, the notches 48, perforated areas of the side walls 50, and weakened areas 52 of the bottom wall work in conjunction with one another to facilitate controlled bending of the tray. Such slots 48 and weakened areas 52 are preferably spaced from an end of the tray by about one fifth to about one-half of the length of the tray 32.

As shown in Fig. 5, the tray 32 may have upper regions of the side walls configured to facilitate engagement by the fingers of a person holding the food delivery system, e.g., one or more curved recesses 54 in the upper edges of the side walls. The recesses or finger grips 54 may be obtained by die-cutting the upper regions of the side walls. These regions are preferably configured such that the fingers of the consumer fit within these regions comfortably, and to this end are dimensioned to correspond to the approximate size and spacing of the fingers of a typical consumer of the product to ergonomically enhance the packaging.

The tray 32 in the preferred embodiments is made of a paperboard substrate, but in other embodiments might be made of plastics or other materials, or combinations of paperboard, plastics and/or other materials. Also, a susceptor may be incorporated into the tray 32. This would allow the food product to take on a crispy texture when microwaved. To assist in maintaining acceptable shelf life, an oxygen-scavenging system may be incorporated into one of the layers of the paperboard tray's laminate structure.

In one embodiment, the corners of the tray are secured by an automatically locking tab-in slot arrangement known as "Kliklok™". With this embodiment, a flat blank is folded by a tray forming a mandrel or other suitable apparatus, and the corners are locked together

without requiring adhesive, and without requiring manual assembly.

The food item 46 may comprise, for example, any snack food or food that may be eaten on the run. For instance, a breakfast bar or other farinaceous product is one such product. One particular food item 46 that may be packaged in accordance with the invention comprises a cream cheese component disposed within a larger farinaceous component or sandwiched between a pair of farinaceous components. The farinaceous components may comprise, e.g., baked bread products, bagel products, bagel-like products, bagel-like products with cream cheese components, or other products. Susceptors may be incorporated into the paperboard and thereby allow the food product to be crisped and heated in a microwave. Food items that such technology would be used for are pizza-like products, burgers, other hot sandwich-like concoctions, and the like.

The overwrap 34 encloses the tray 32 and the food item 46. The illustrated overwrap 34 is formed from a single web of material, wrapped around the food item and closed by a longitudinal fin seal and transverse end seals. In the preferred embodiments, the overwrap is hermetic, and may contain a gas flushed environment. In other embodiments, for selected products, a cold seal pouch material could be used rather than a hermetically-sealable material, and the overwrap may be formed with cold seals, and may be non-hermetic.

The overwrap 34 preferably comprises a weakened area 56 to facilitate opening. The weakened area 56 may comprise, e.g., a series of scratches or the like in one or more layers of laminated film. Commercially available products providing weakened areas to facilitate opening that may be suitable include those marketed under the names "Magic Cut™" and "Fancy Cut™."

The overwrap 34 is preferably made of a flexible plastic film which may comprise, e.g., one or more layers of polyethylene, polypropylene, nylon, polyethylene terephthalate (PET), linear low density polyethylene (LLDPE) or other polymeric materials, and or metal foil, paper, or other suitable materials.

As shown in FIG. 6, the tray 32 may include two pair of notches 48, with a respective lines of weakness extending down to 50 and across 52 the bottom wall between each pair. In other embodiments, three or more pair of notches 48, with associated lines of weakness, may

be provided. The notch/perforation/score features, or other means to facilitate bending, may be located at any suitable locations along the side of the tray to optimize product delivery.

The dimensions of the tray may be variable. The length of the tray may vary from about 3.5 in to about 5.5 in and is preferably about 4 in to about 5 in. The width of the tray may range from about 1 in to about 3 in, and is preferably, about 2 in. The depth of the tray may range from about 0.5 in to about 1.5 in, and is preferably, about 1 in.

A method of progressively dispensing a food item from a food delivery system is shown in Figs. 1-4. The first step comprises opening an end of the overwrap 34 such that an end portion of the food item and tray are exposed. This may be done by tearing the overwrap open and displacing the food item 46 outward of the overwrap 34 to give access to the food item 46 to the consumer. Next, the side walls 38 are fractured at a pair of notches 48 and the tray 32 is bent backward to increase access to the food item. The exposed end portion of the food item 46 is then eaten, while the opposite end portion remains covered, and may be held by the consumer without direct manual contact with the food product. Where a tray having more than one pair of notches 48 is employed, the above steps may be repeated one or more times, with the tray 32 and food product 46 being advanced further, and bent again to expose further portions of the food product, while other portions remain covered so that the consumer is not required to handle the food product directly.

FIGS. 7-27 show cartons for containment of a plurality of the food products and delivery systems, and methods of forming, filling and sealing the cartons. In the embodiment of Figs. 7-22, a side-load carton 60 is employed. In the embodiment of Figs. 23-27, an end-load carton 62 is employed.

Each of the cartons comprises a display and dispensing container which defines an enclosed interior space for the food items and delivery systems. This container includes a flat-sided carton, which carton includes a bottom wall, two side walls, a front wall, a back wall, and cover hingedly connected to the back wall, and a means for reclosure.

The tray and cartons may be made of paperboard of any suitable thickness. For example, paperboard having a thickness of about 0.01 to 0.025 in. may be used, and in one particular embodiment, paperboard having a thickness of about 0.015 to about 0.022 in. is employed.

The dimensions of the side-load and the end-load carton may be variable. Each carton is provided to enclose a plurality of food items. The height of the cartons may range from about 4.5 in to about 6.5 in, and is, preferably, about 5.5 in. The width of the cartons may range from about 8 in to about 10 in, and is preferably, about 9 in. The depth of the cartons may range from about 1.5 in to about 3.0 in, and is preferably, about 2.4 in.

#### Side-Load Carton

In the side-load carton 60 of Figs. 7-22, the cover 64 has a box shape, and includes a top portion 72, two side portions 74, and a front portion 68. Preferably, the sides of the cover 64 are formed using two side flaps 66 that are integral with the front portion 68, which are folded back and joined to two side flaps 70 that are integral with the top portion 72 and folded down therefrom so as to hold the cover 64 in a box-like arrangement. Thus, the side portion 74 is contiguous with the front portion 68 of the cover, and both side portions 74 and the front portion 68 are integral components of a single unitary, paperboard member that is uninterrupted by any exposed edge at the juncture between the side portion and the front portion. Thus, this juncture comprises a 90 degree bend or fold in a continuous portion of the paperboard member.

The side portions 74 of the cover overlap the side walls and the side portions of the cover have substantially horizontal bottom edges. The side walls 76 of the carton extend its full height, so that there is substantial overlap between the side portions of the cover 74 and the side walls 76 of the carton. The cover 64 may be hingedly connected to the back wall 78 along a region of weakness 80 such as a perforation, thereby permitting the cover 64 to be removed entirely to permit unrestricted access to the food items 46 contained within the container.

The container front wall 82 includes a window 84 to permit visual access to the food items 46 contained within the container. This window 84 can be made of any suitable transparent or translucent material such as a plastic film or the like.

The front portion 68 of the cover preferably is releasably attached to the front wall 82 by adhesive. Means for reclosure 88 are preferably provided in the form of a tab 90 and slot 92 engagement between the front portion of the cover 68 and the front wall 82 of the carton.

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Figs. 8-22 illustrate a method of assembling the carton of Fig. 7 from a partially pre-glued, partially assembled container. The partially assembled container is initially in a folded flat configuration 94, and includes top, bottom, front and back walls. The front wall comprises a top front wall 68 that will form the front portion of the cover, and a bottom front wall 82 that will form the front wall of the body of the container. The top front wall 68 is releasably secured to the top bottom wall 82 in overlapping relation by adhesive. The back wall 78 includes a line of weakness 80 that will later function as a hinge, separating the back wall into an upper portion that will function as the back wall of the cover, and a lower portion that will function as the back wall of the body of the carton. Each of the walls has first and second side flaps thereon.

In the preferred method of assembly, the partially formed carton is first unfolded so that the front 82 and back walls 78 are spaced from one another, and the first side flap 96 of the bottom wall is folded inward. Next, the first side flaps of the bottom front wall 98 and the back wall 100 are folded inward into overlapping relation with one another and attached to each other to form a first side wall 76 for the body of the carton, while the second side 76 of the partially formed carton remains open. The first flap 98 of the bottom wall need not be glued in place. The next step comprises folding the first side flaps 66 of the top front wall and the top wall 70 inward, and securing them to each other, to form a first side wall 74 for the cover while the second side of the partially formed carton remains open. To facilitate later opening of the finished carton, the side wall 74 of the cover is not secured by adhesive to the side wall 76 of the carton body, but overlaps it to provide security. After the above steps have been completed, one side of the carton is fully formed, and the food products 46 and associated delivery systems 30 may then be inserted through the open second side of the partially finished container. Thereafter, the second side of the carton is enclosed by forming a second side wall 76 for the body and the cover 64 by performing with respect to the second flaps the same steps described above with respect to the first flaps.

The step of inserting the food products 46 and associated delivery systems 30 preferably comprises arranging the food products and associated delivery systems in two rows, one stacked atop the other, adjacent the open side of the carton, with the carton resting on its back wall 78, and simultaneously pushing the rows into the partially formed carton

with a mandrel FIG. 15. The food products and associated delivery systems each have one end disposed adjacent the top wall of the carton, and an opposite end disposed adjacent the bottom wall. The mandrel directly contacts only the delivery system at the end of each row, applying compressive force to a side portion thereof sufficient to insert the entire row into the carton. Thus, force is transmitted through the food products and/or delivery systems nearest the mandrel. The trays in this embodiment have sufficient strength and rigidity to prevent damage to the food products 46 during this operation.

After the carton has been completely formed, filled and sealed, it may then be opened simply by detaching the front wall 68 of the cover from the front wall 82 of the carton, and lifting the cover 64 so that it pivots up and back about the hinge in the back wall. Each wrapped food product 46 is accessible when the cover is opened. Means to hold the cover 46 in a reclosed position are preferably provided 88. In the illustrated embodiment, reclosability is provided by a tab 90 on the front of the cover and a curved slot 92 in the front wall of the body of the carton. A crescent-shaped cutout may be provided above the slit to facilitate reclosing.

#### End-Load Carton

The end-load container 62 of Figs. 23-33 is generally similar to the side-load container in that it includes generally rectangular front 82, back 78, top 104 and bottom walls 106, and a cover 102 that is joined to the back wall by a hinge 80. However, in one embodiment of the end load container 62, the cover 102 simply comprises a top wall 104 and a front flap 108 that overlies an upper portion of the front wall 82 of the body of the carton, and is releasably secured thereto by adhesive. Flaps 110 at the upper ends of the side walls fold inward to provide security at the ends of the cover 102. The end-load carton 62 may be filled from either the top (Fig. 26) or bottom (Fig. 27) end, with the opposite end closed. In either case, the carton 62 may be in any desired orientation when filled, e.g., an upright position (Fig. 26) or a horizontal position (Fig. 27). In the end-load carton 62, the mandrel may act directly on each of the delivery systems 30, which may reduce compression loads on the delivery systems as compared with the loads experienced by the delivery systems 30 in contact with the mandrel in the above-described filling arrangement for the side-load carton 60, in that none of the food products and associated delivery systems is required to bear the



compressive loads associated with pushing another food product and delivery system into place. The cover may be hingedly connected to the back wall 78 along a line of weakness 80 such as a perforation that permits the cover to be easily removed to permit access to food items contained therein. The front wall includes a window 84 to permit visual access to the food items 46 contained therein.

There is another embodiment of the end load carton 62. The cover comprises a top portion 104, two side portions and a front portion 108, wherein the side portions of the cover are formed as two side flaps 114, each attached to opposite ends of said front portion of said cover, wherein said side flaps are glued onto two other side flaps 116, each attached to opposite ends of said top portion of said cover. This arrangement results in a smooth edge at the front two corners of the cover, wherein the other side flaps 116 are folded back onto the side flaps and glued in position. This embodiment creates a box-like cover. This embodiment may be loaded from the top or bottom, depending on which end is assembled first. The front wall includes a window 84 to permit visual access to the food items 46 contained therein.

In yet another embodiment of the end load carton, the cover comprises a top portion 104, two side portions, and a front portion 108. In this embodiment, the side portions are formed as two side flaps, attached to opposite ends of said top portion of the cover 118, to which are attached two top side flaps 120, each of the top side flaps being attached to the front portion of a respective one of the side flaps of the cover, wherein the top side flaps are glued to the inner side of the front portion of the cover. This arrangement results in a box-like cover, with edges of the opposite sides of the front portion at the two front corners. This embodiment may be loaded from the top or the bottom, depending upon which end is assembled first. The front wall includes a window 84 to permit visual access to the food items 46 contained therein.

We claim:

1) In combination with a plurality of wrapped food products, each comprising a food product, an elongated tray comprising a bottom wall, side walls and end walls, each side wall having a bottom edge joined to the bottom wall, and a top edge, wherein the side walls of said tray have slots therein to enable said side walls to split and said bottom wall includes a weakened area to facilitate folding of said bottom wall, and an overwrap enclosing said tray and said food product, a reclosable display and dispensing container defining an enclosed interior space with a plurality of said wrapped food products disposed therein, said container comprising a flat-sided carton, said carton including a bottom wall, two side walls, a front wall, a back wall, and a cover hingedly connected to said back wall, said cover comprising a top portion and a front portion, wherein said reclosable display and dispensing container is self-supporting and wherein when said cover is removed, said food products are arrayed so that ends of food products are accessible at the top of said container, wherein each wrapped food product is oriented on one end within said container, thereby extending the food product bar's opposing end upward to yield access to said plurality of bars when the cover to said container is opened or removed.

2) A container as defined in Claim 1, wherein said cover is hingedly connected to said back wall along a line of weakness, thereby permitting said cover to be easily removed to permit unrestricted access to food items contained therein.

3) A container as defined in Claim 1, wherein said front wall includes a window to permit visual access to the food items contained therein.

4) A container as defined in Claim 1 wherein said front portion of said cover is releasably attached to said front wall by adhesive.

5) A container as defined in Claim 1 wherein said front portion of said cover overlaps

8) A method of filling a container assembled as defined in Claim 7, wherein said container is loaded by progressively pushing a plurality of said food items into said container through an opening at the end of said container, wherein said food items comprise a food product, an elongated tray comprising a bottom wall, side walls and end walls, each side wall having a bottom edge joined to the bottom wall, and a top edge, wherein the side walls of said tray have slots therein to enable said side walls to split and said bottom wall includes a weakened area to facilitate folding of said bottom wall, and an overwrap enclosing said tray and said food product, wherein said opening is closed off by one of walls at either end of the container upon final steps of assembly of said container.

9) A method of filling a container assembled as defined in Claim 8, wherein said container is loaded by using a tool to touch and push each of the plurality of said food items into said container simultaneously.

10) In combination with a plurality of wrapped food products, each comprising a food product, an elongated tray comprising a bottom wall, side walls and end walls, each side wall having a bottom edge joined to the bottom wall, and a top edge, wherein the side walls of said tray have slots therein to enable said side walls to split and said bottom wall includes a weakened area to facilitate folding of said bottom wall, and an overwrap enclosing said tray and said food product, a reclosable display and dispensing container defining an enclosed interior space with a plurality of said wrapped food products disposed therein, said container comprising a flat-sided carton, said carton including a bottom wall, two side walls, a front wall, a back wall, and a cover hingedly connected to said back wall along a line of weakness, thereby permitting said cover to be readily detached from said back wall along said line of weakness, wherein said display and dispensing container is self-supporting and wherein when said cover is removed along said line of weakness, this permits unrestricted access to the enclosed wrapped food products contained therein, said cover comprising a top portion, two side portions and a front portion, wherein the side portions of the cover are formed as two side flaps, each attached to one end of said front portion of said cover, wherein said side flaps are glued onto two other side flaps, each attached to one end of said top portion of said cover, wherein each wrapped food product is oriented on one end within said container, thereby extending the food product bar's opposing end upward to yield access to said plurality of bars when the cover to said container is opened.

11) A container as defined in claim 10, wherein the front wall includes a window to permit visual access to the food items contained therein.

12) A container as defined in Claim 10, wherein said front portion of said cover is releasably attached to said front wall by adhesive.

13) A container as defined in claim 12, wherein the food products contained therein have an end seal protruding from opposite ends of said food product wrap, which makes the individual products readily accessible to a consumer when said display and dispensing container is open.

14) In combination with a plurality of wrapped food products, each comprising a food product, an elongated tray comprising a bottom wall, side walls and end walls, each side wall having a bottom edge joined to the bottom wall, and a top edge, wherein the side walls of said tray have slots therein to enable said side walls to split and said bottom wall includes a weakened area to facilitate folding of said bottom wall, and an overwrap enclosing said tray and said food product, a reclosable display and dispensing container defining an enclosed interior space with a plurality of said wrapped food products disposed therein, said container comprising a flat-sided carton, said carton including a bottom wall, two side walls, a front wall, a back wall, and a cover hingedly connected to said back wall along a line of weakness, wherein said reclosable display and dispensing container is self-supporting, and wherein when said cover is removed along said line of weakness said food products are arrayed so that the ends are accessible at the top of said container, said cover comprising a top portion, two side portions and a front portion, wherein the side portions of the cover are formed as two side flaps, attached to opposite ends of said top portion of said cover, to which are attached two top side flaps, each of said top side flaps being attached to the front portion of a respective one of the side flaps of said cover, wherein the top side flaps are glued to the inner side of the front portion of said cover, wherein each wrapped food product is oriented on one end within said container, thereby extending the food product bar's opposing end upward to yield access to said plurality of bars when the cover to said container is opened.

15) A container as defined in claim 14, wherein said cover is hingedly connected to said back wall along a line of weakness, thereby permitting said cover to be easily removed to permit unrestricted access to food items contained therein.

16) A container as defined in claim 15, wherein the front wall includes a window to

permit visual access to the food items contained therein.

17) A container as defined in Claim 14 wherein said front portion of said cover is releasably attached to said front wall by adhesive.

18) A container as defined in claim 12, wherein the food products contained therein have an end seal protruding from opposite ends of said food product wrap, which makes the individual products readily accessible when said display and dispensing container is open.

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**ABSTRACT OF THE INVENTION**

The invention provides a food packaging system that preferably includes a system for facilitating progressive or incremental delivery of individual, single-serving hand-held food items to the consumer, along with a carton for containing a plurality of the food items and associated delivery systems. The packaging system provides protection for the food items during packaging, shipping handling, retail display and consumer use, and also makes them readily accessible to the consumer, without requiring direct manual contact with the food item. The packaging system preferably includes a separate disposable delivery system for each food item.

*Fig. 1*

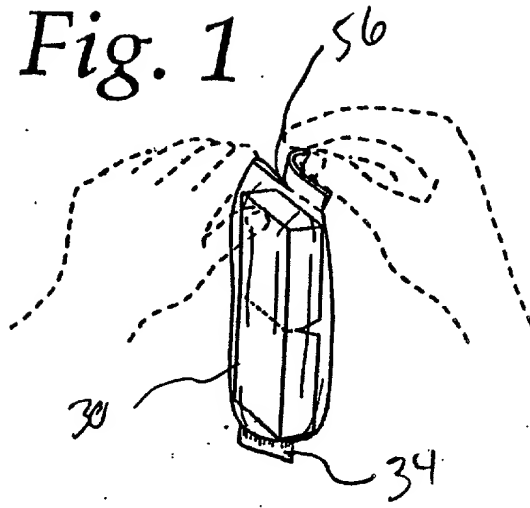
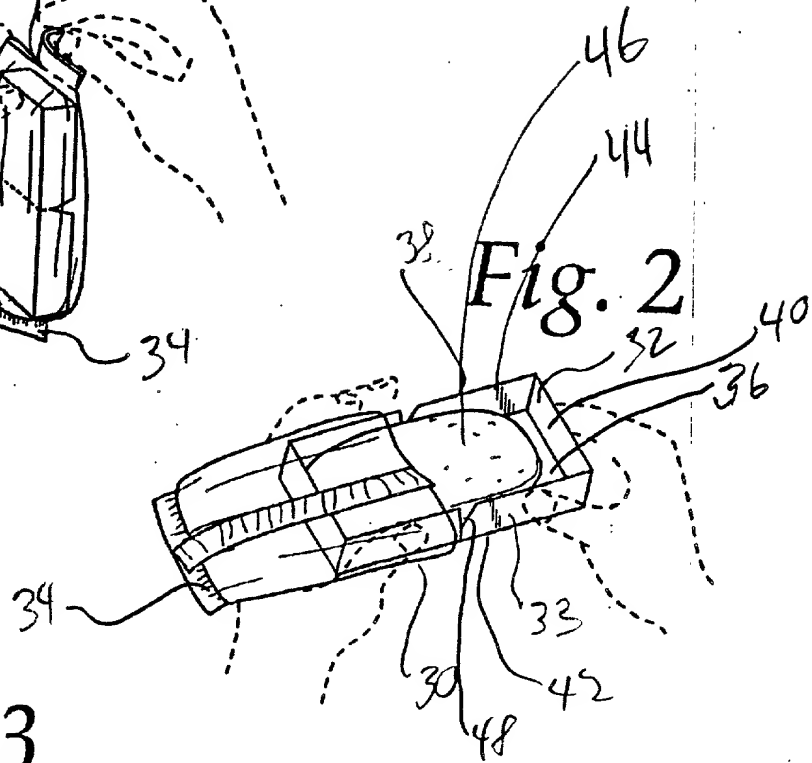


Fig. 2



34 *Fig. 3*

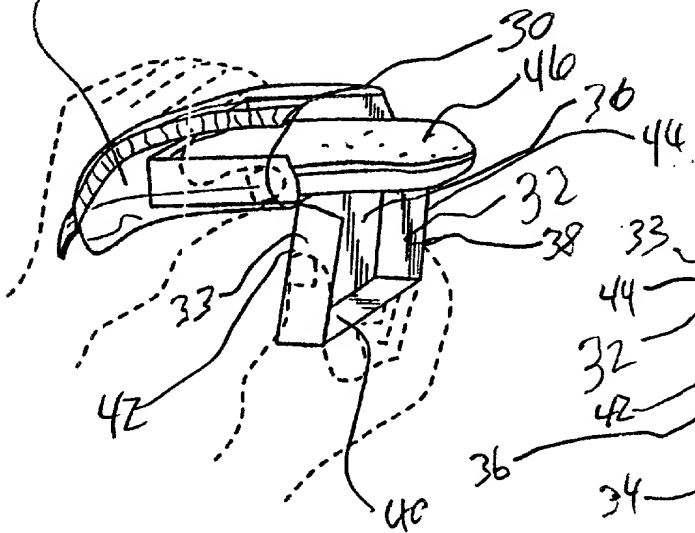
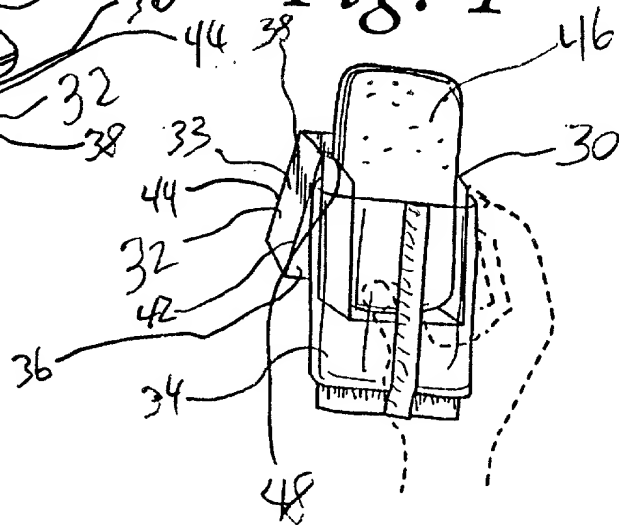
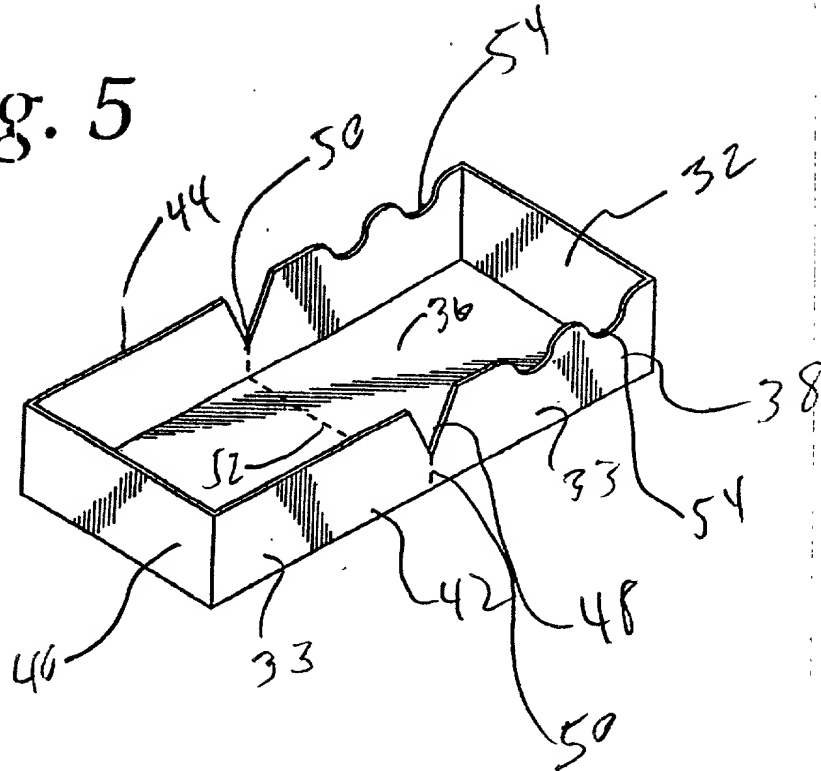


Fig. 4

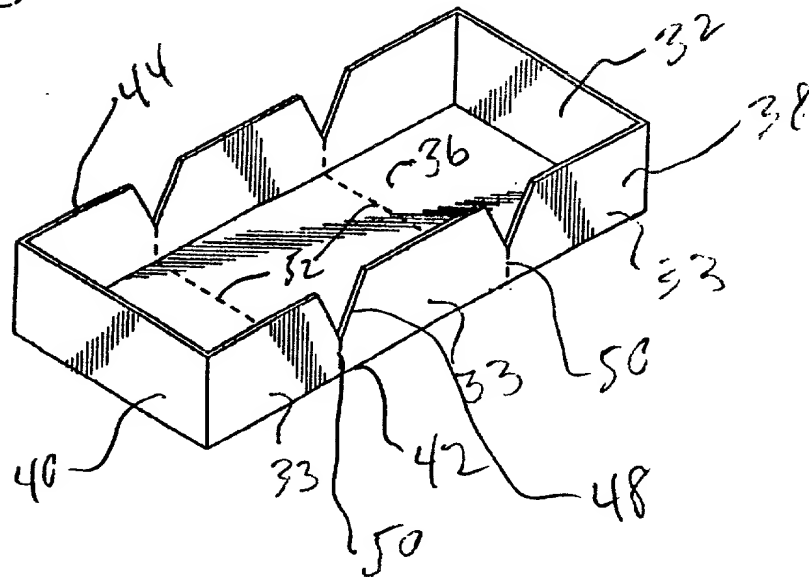




*Fig. 5*



*Fig. 6*



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Fig. 7

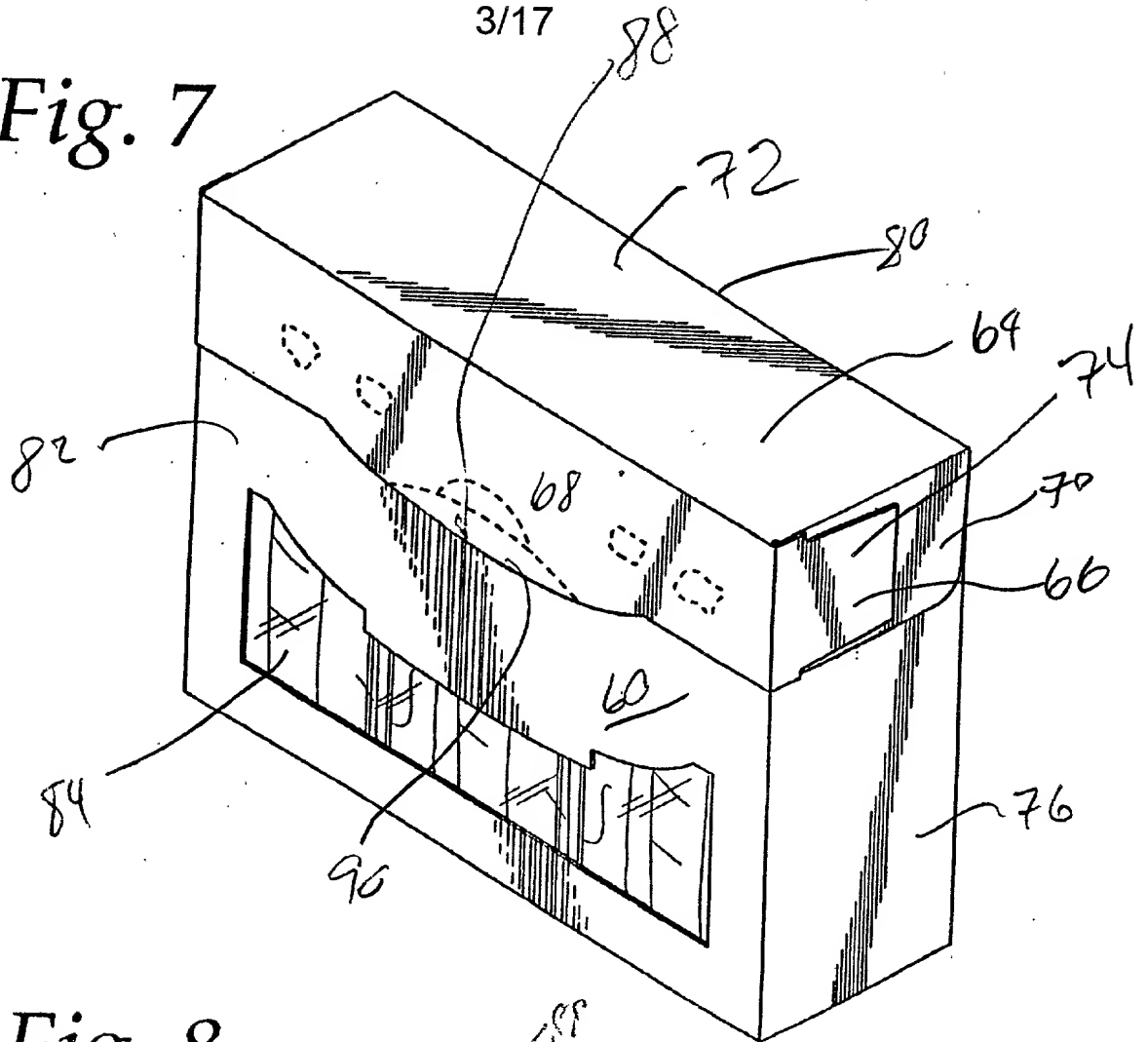
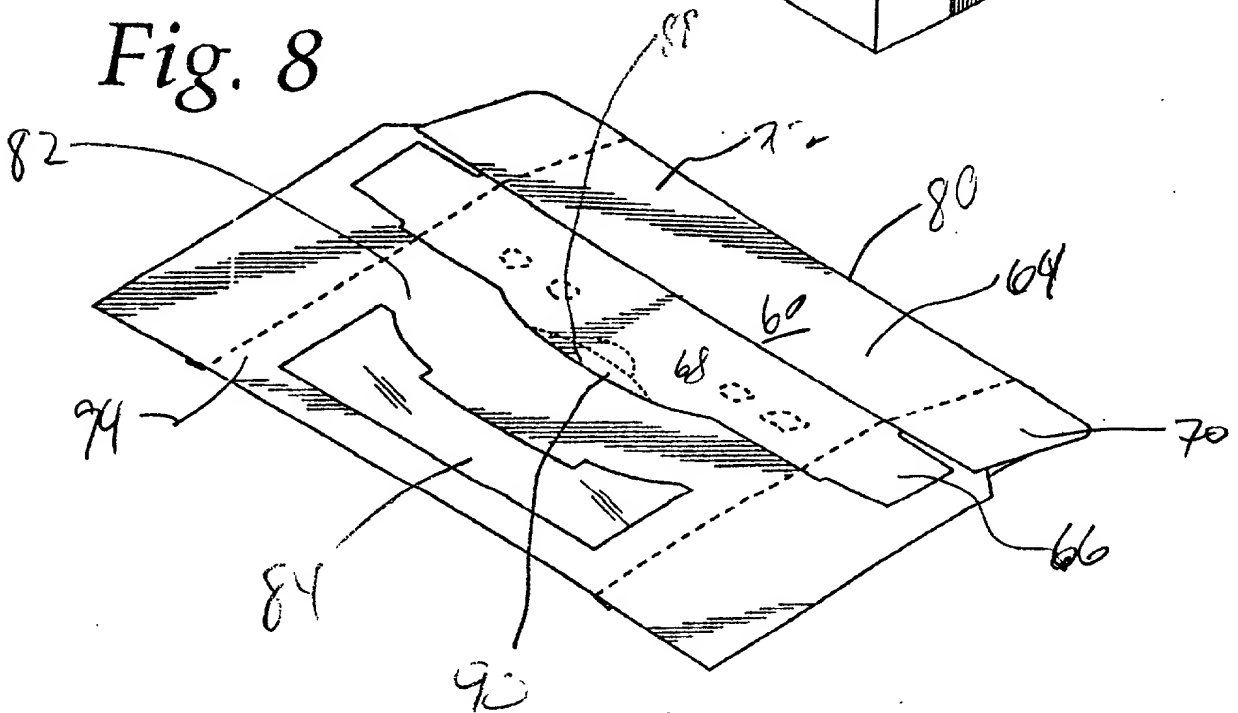
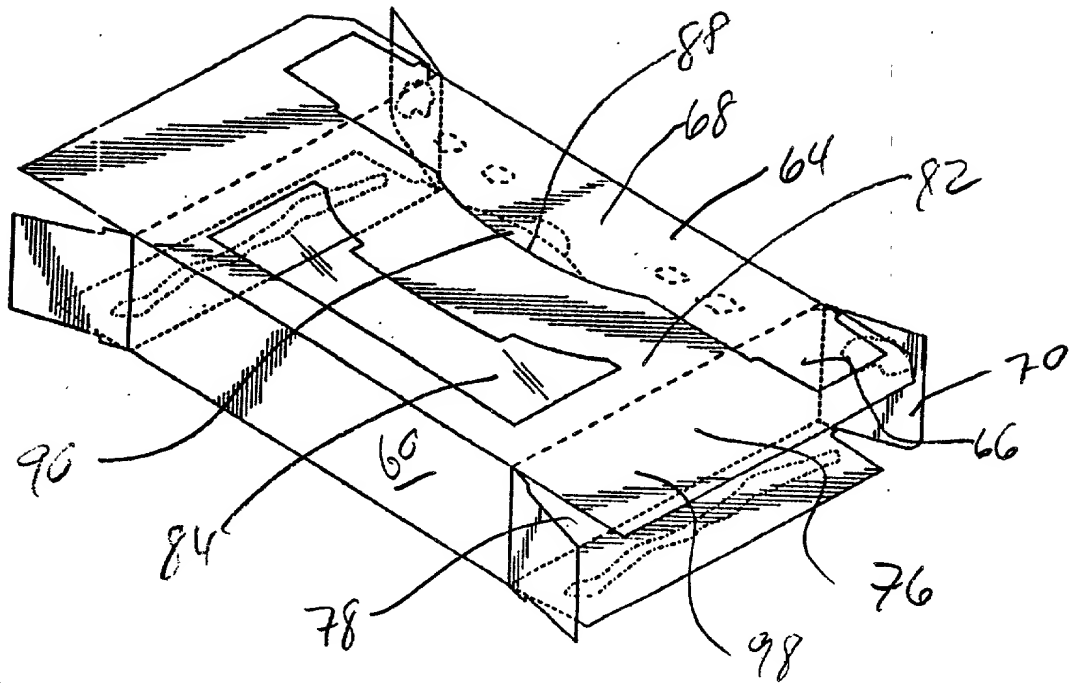


Fig. 8



*Fig. 9*



*Fig. 10*

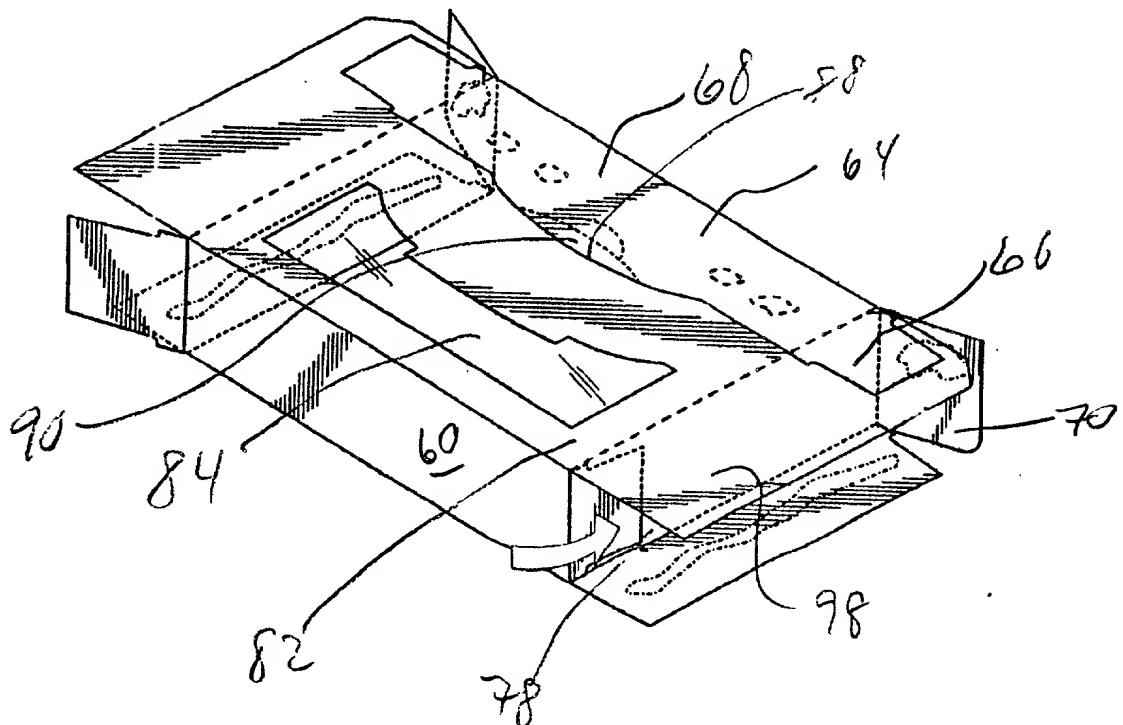


Fig. 11

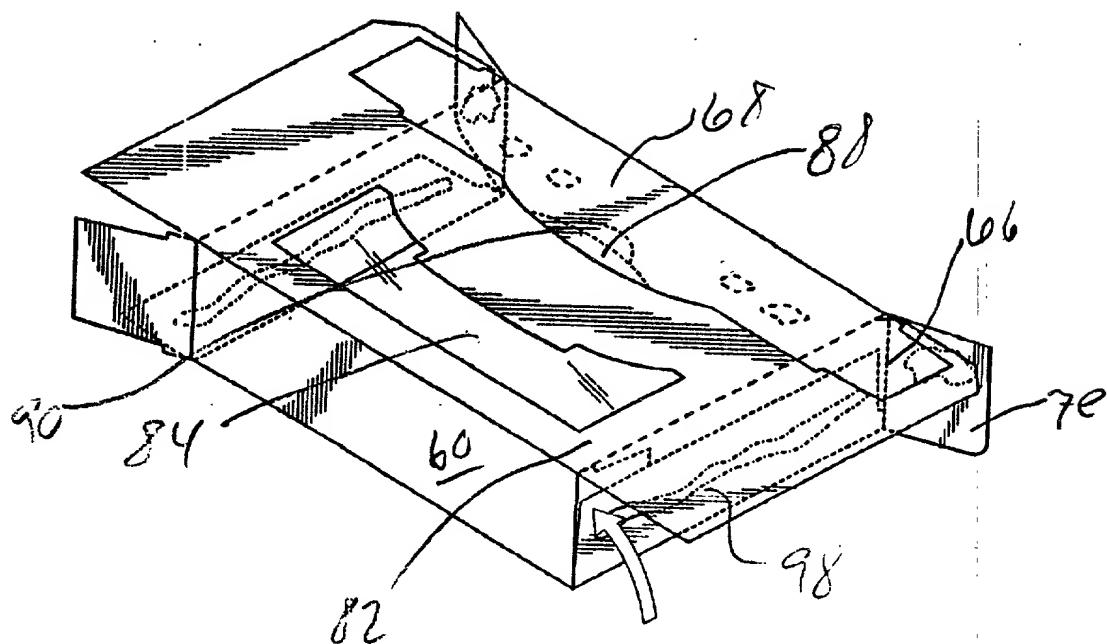


Fig. 12

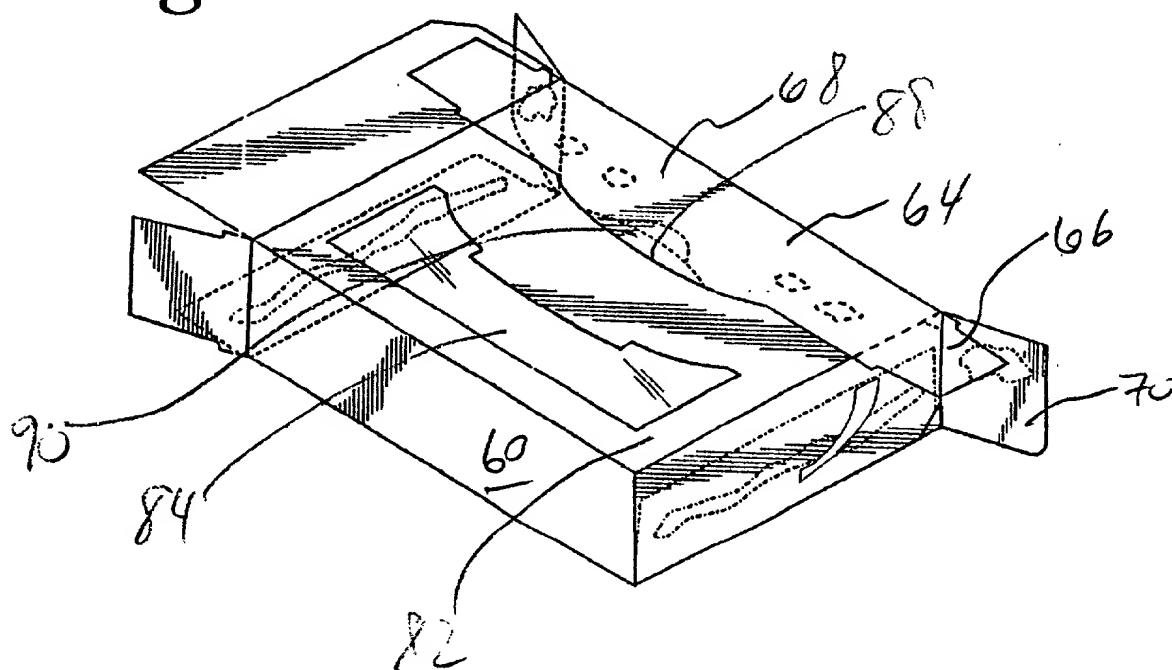


Fig. 13

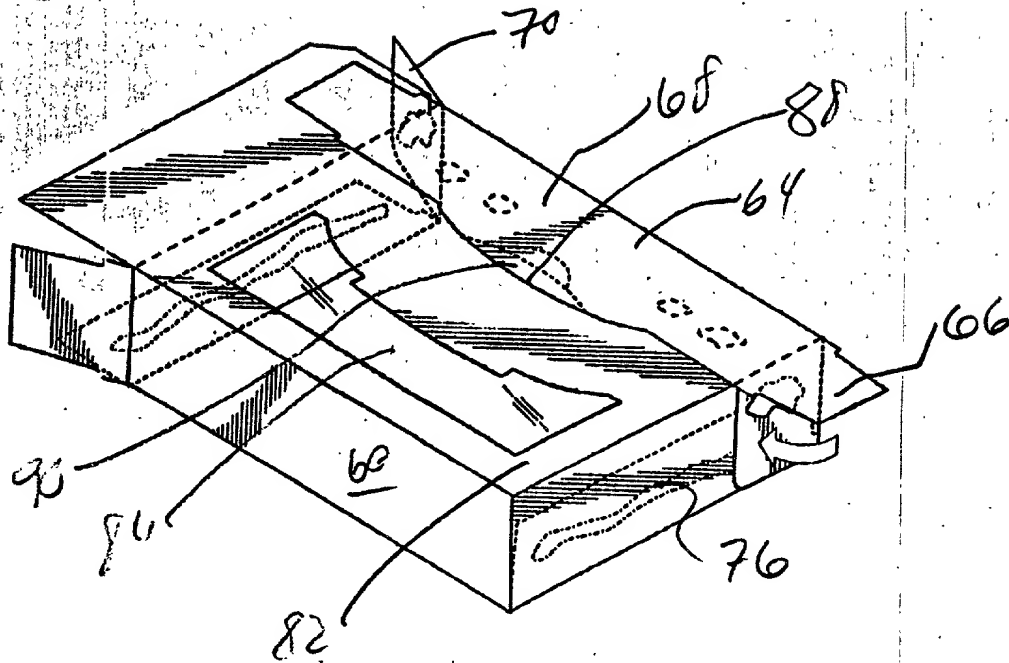


Fig. 14

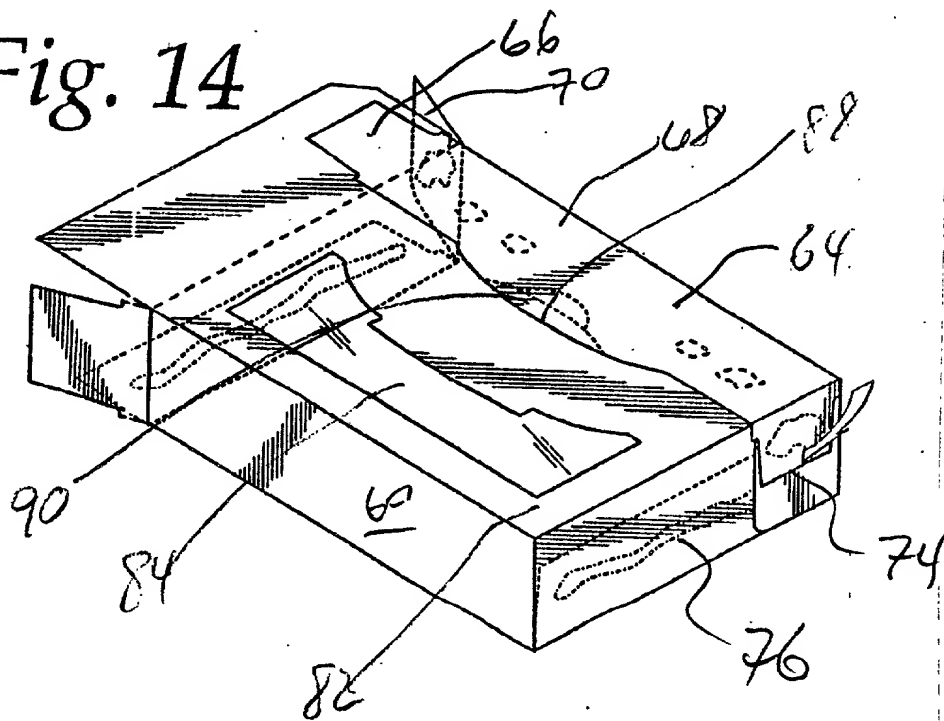


Fig. 15

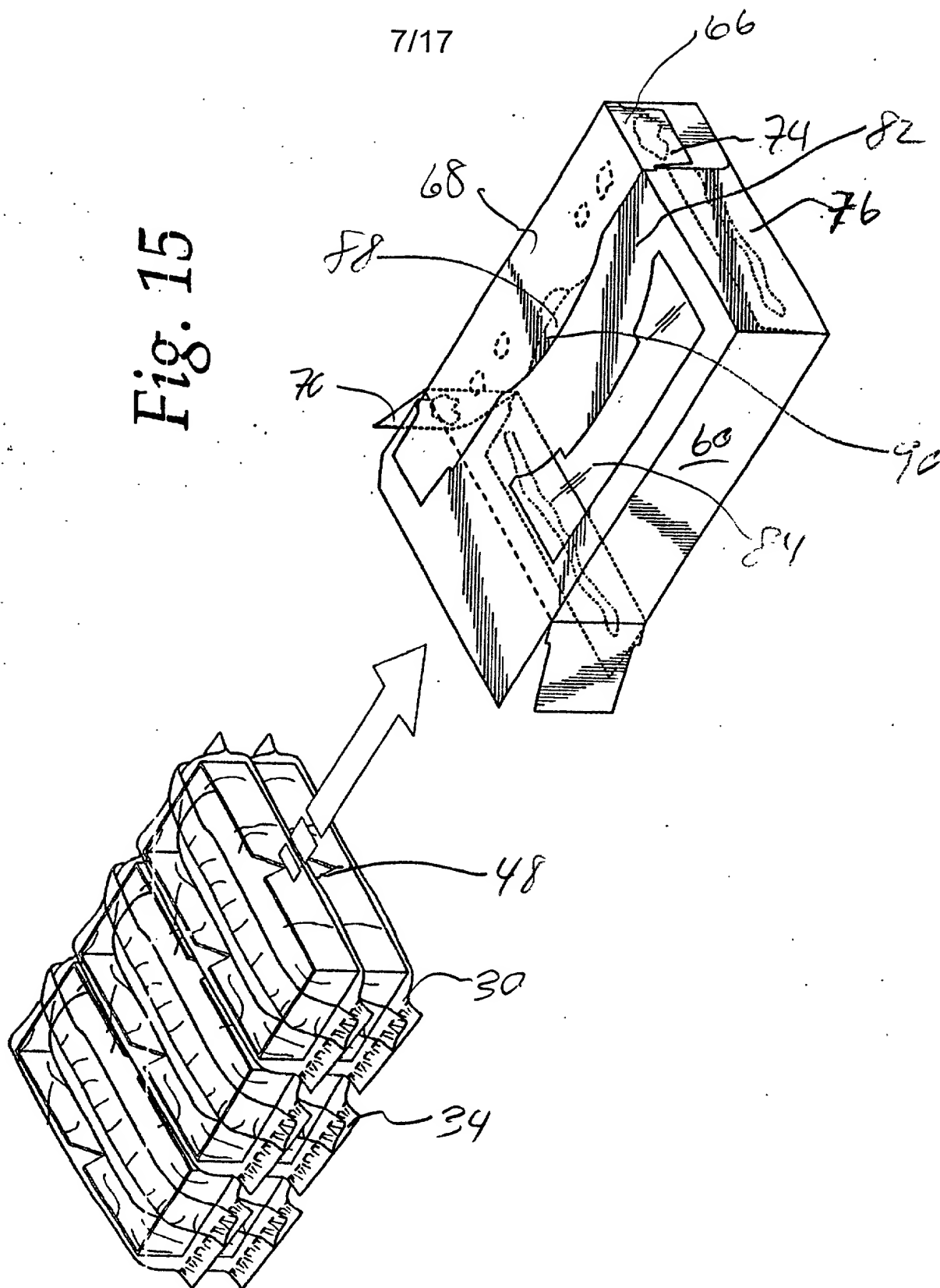


Fig. 16

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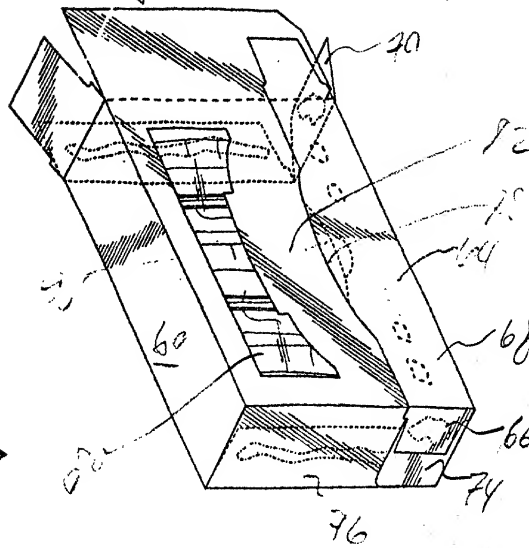
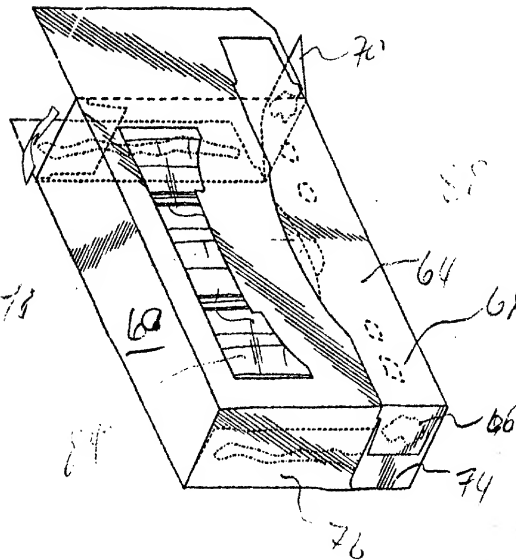


Fig. 17



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Fig. 18

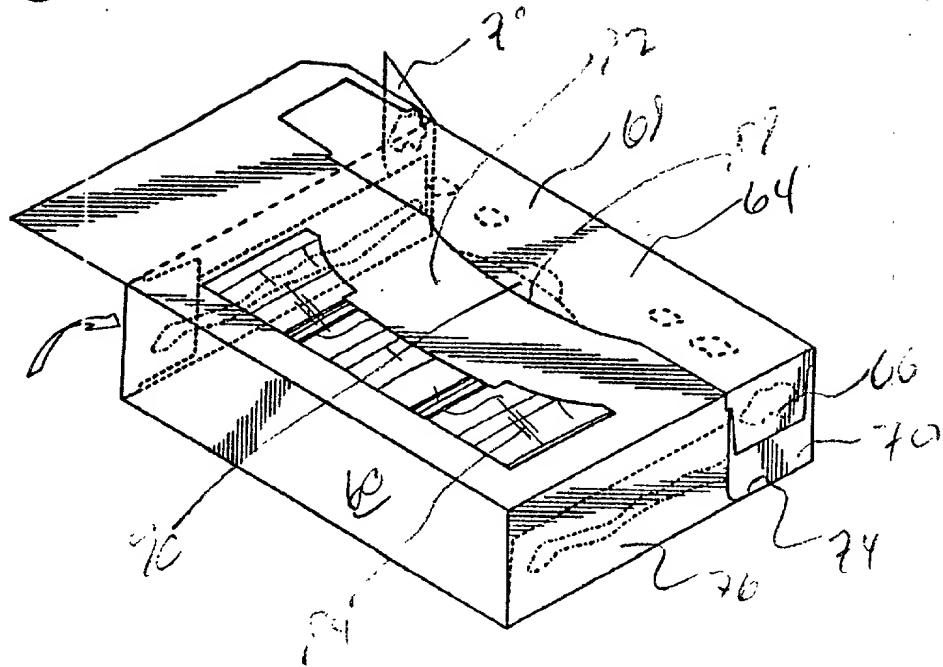


Fig. 19

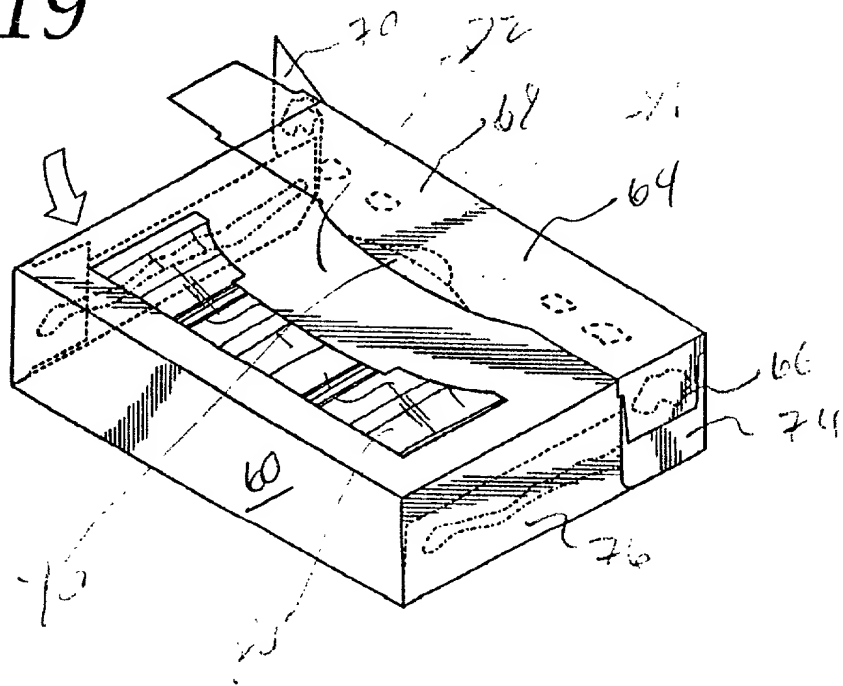




Fig. 20

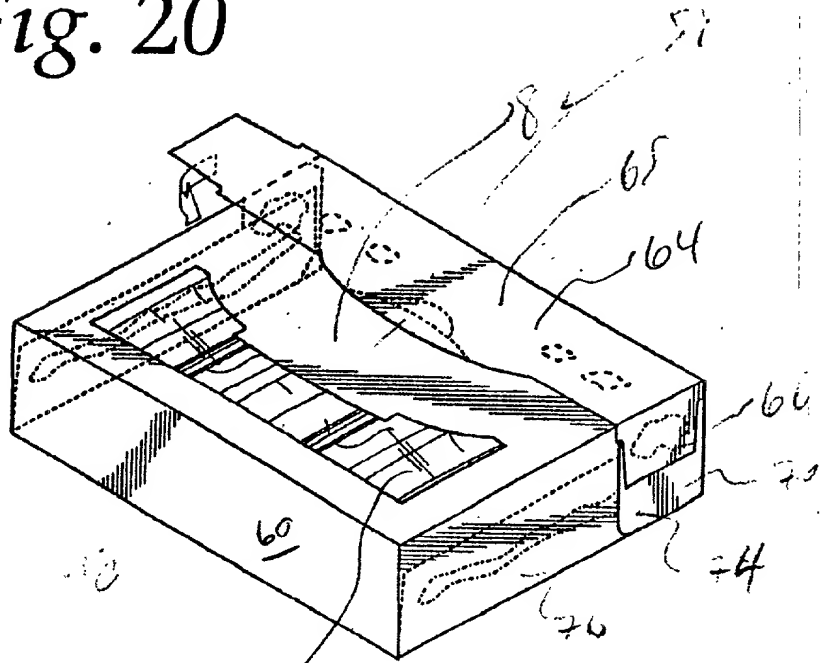
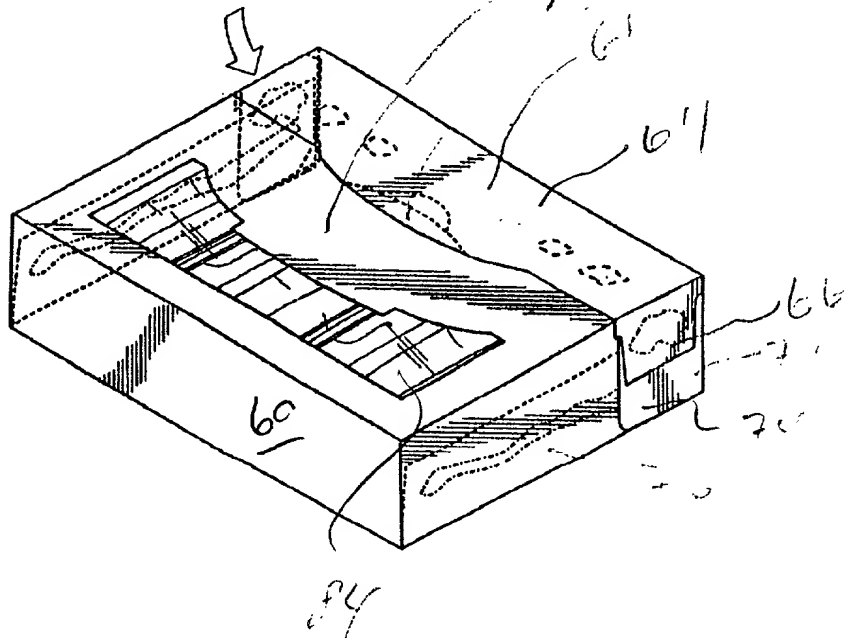
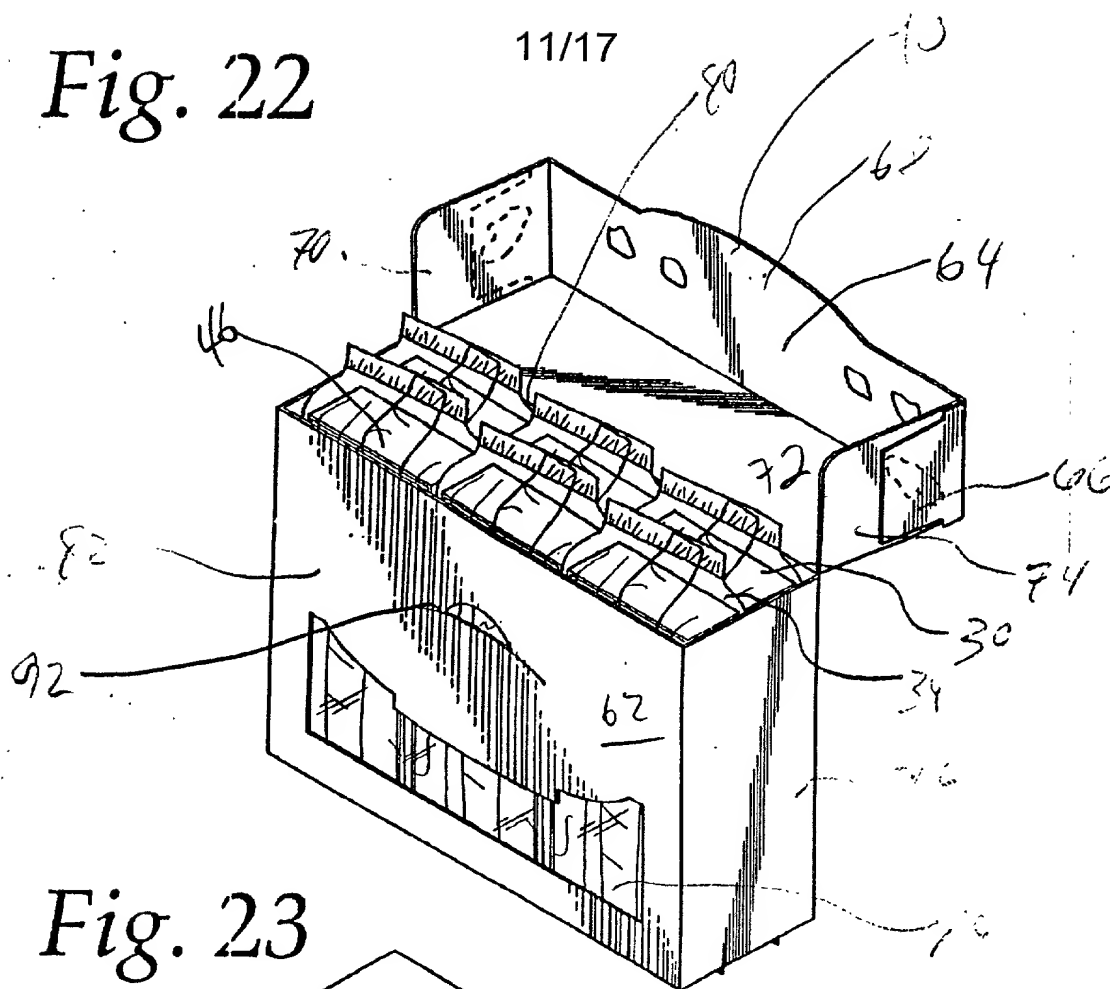


Fig. 21





*Fig. 23*

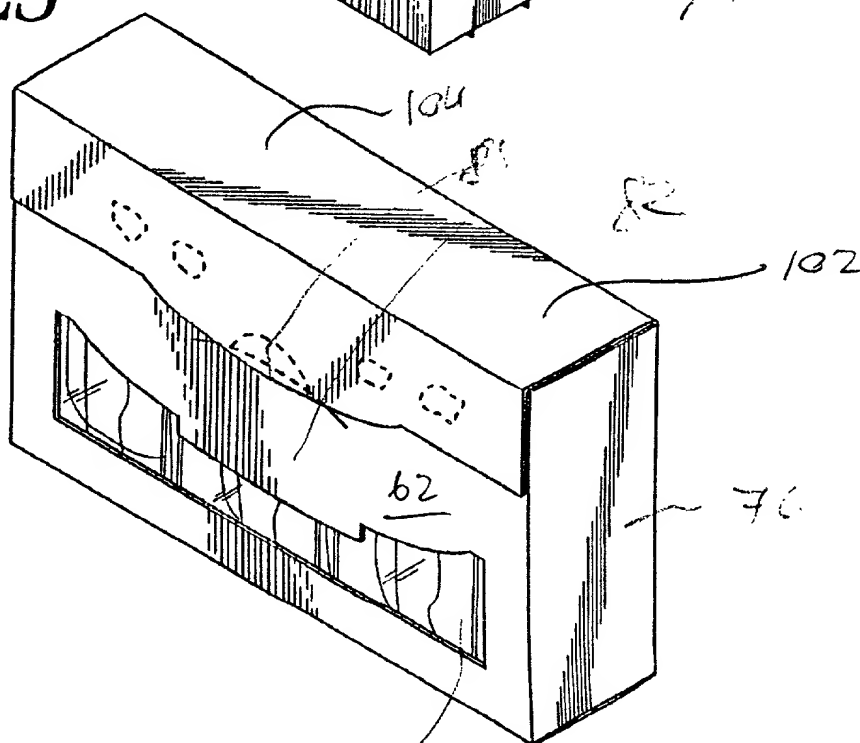


Fig. 24

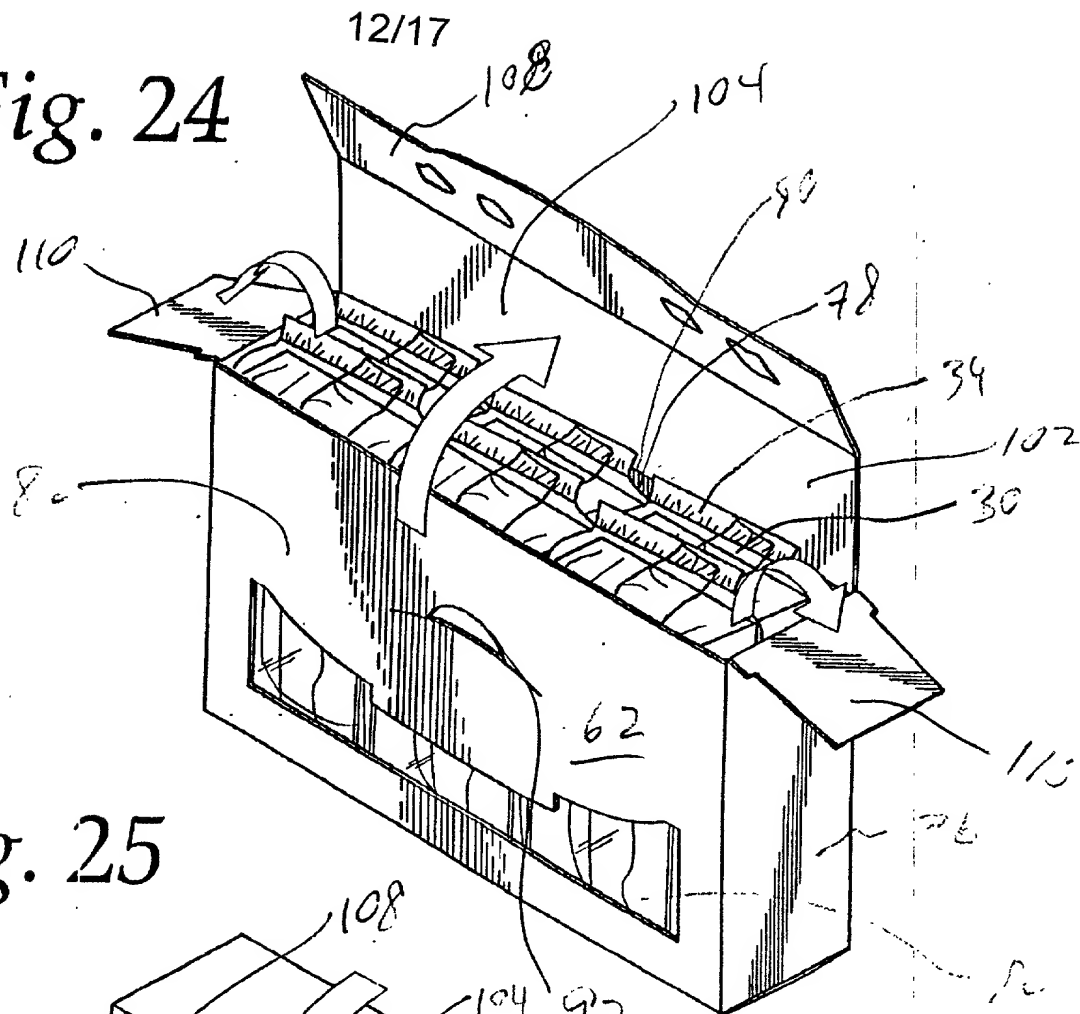
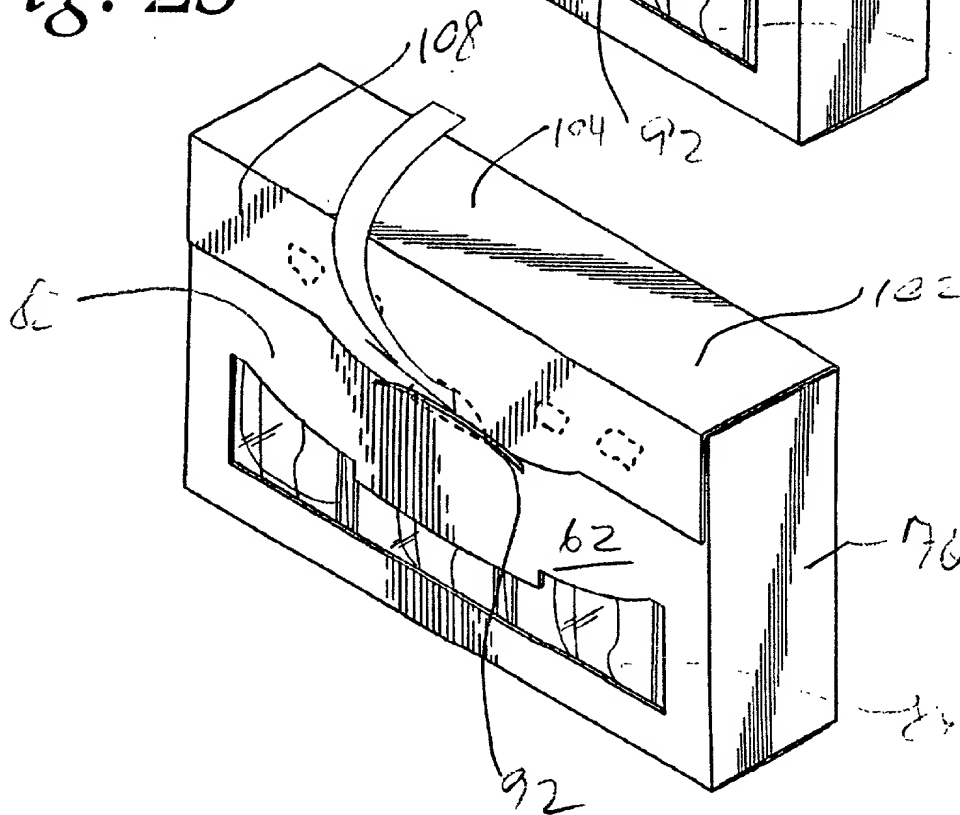


Fig. 25



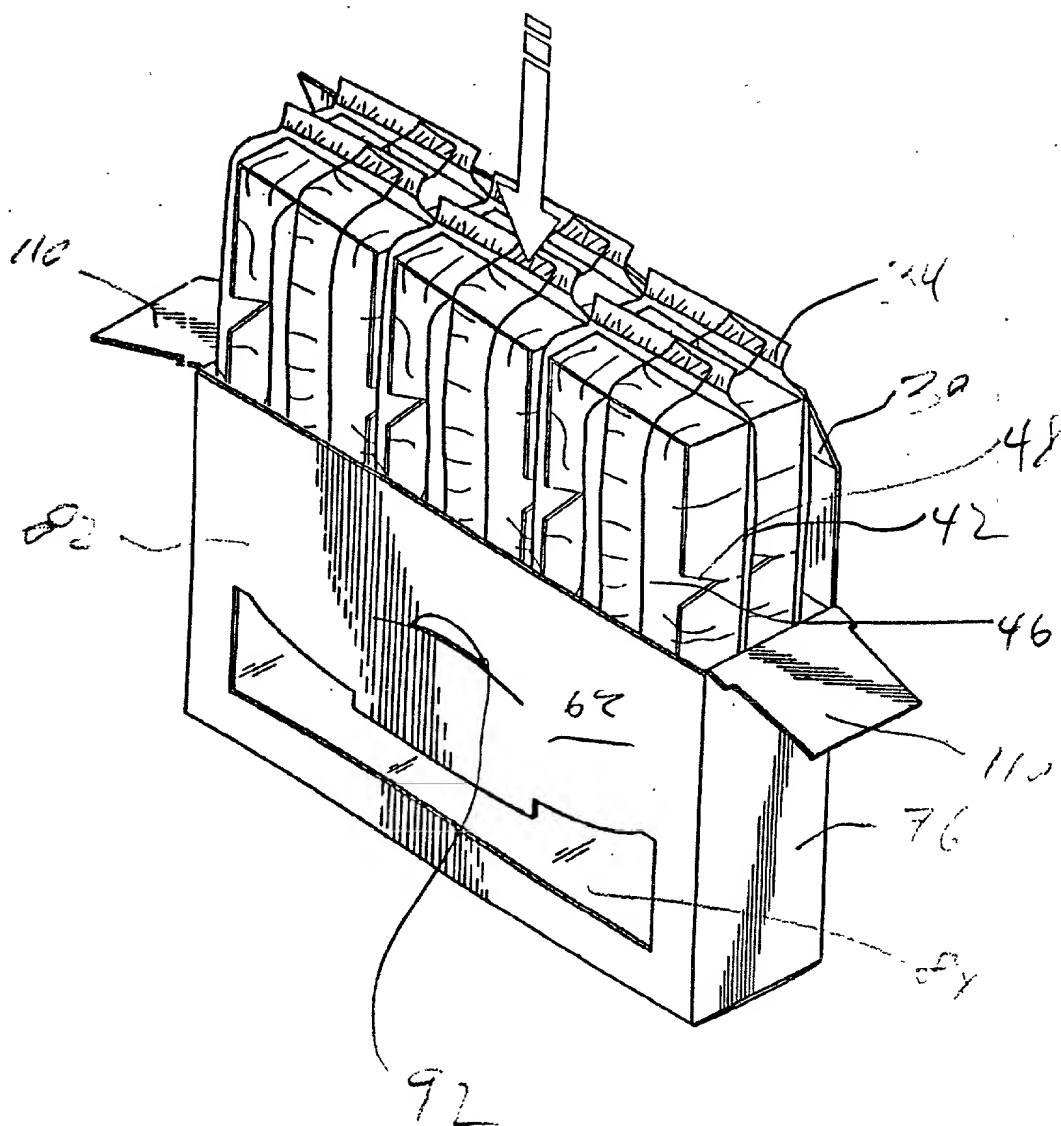
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Fig. 28

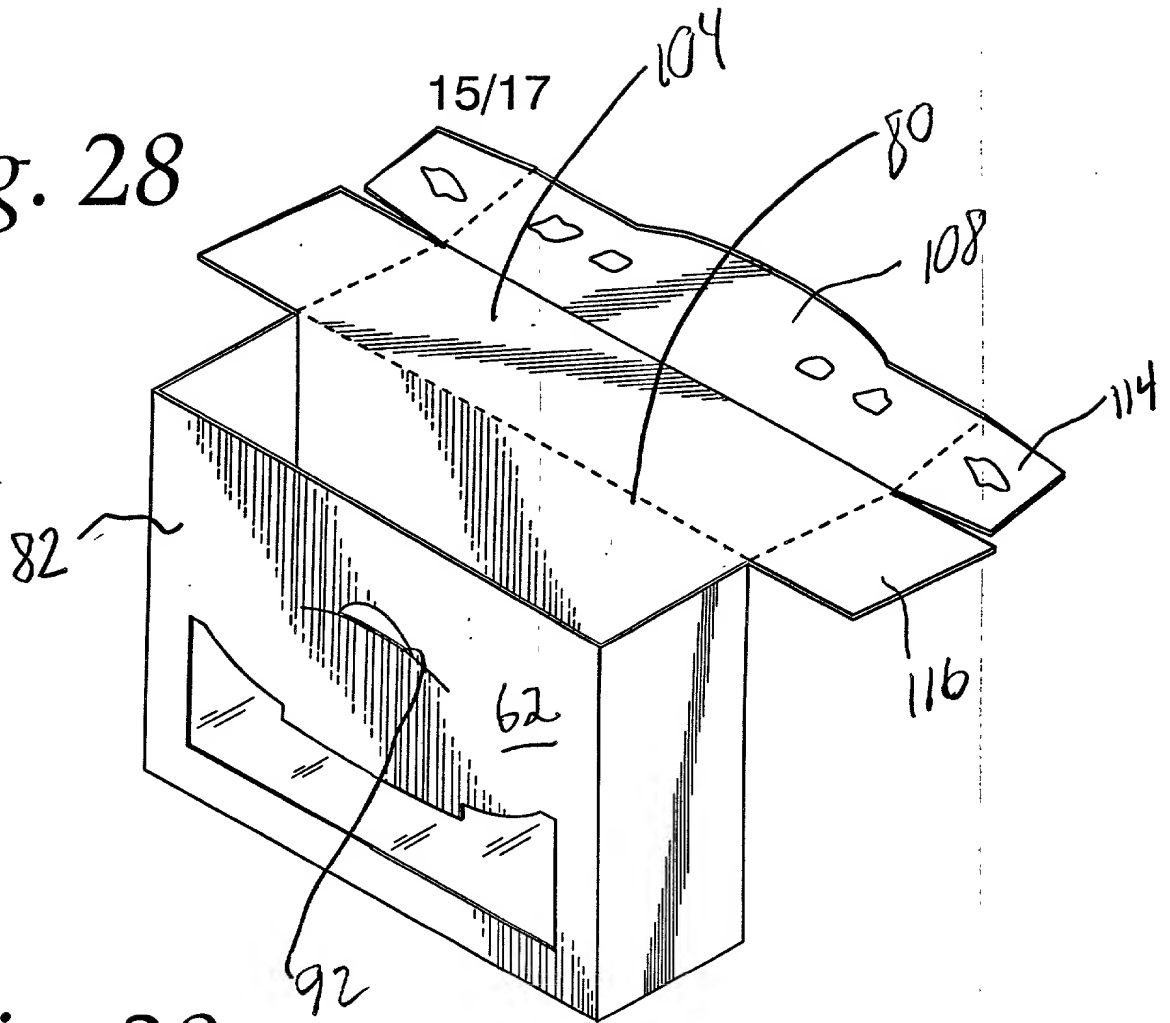
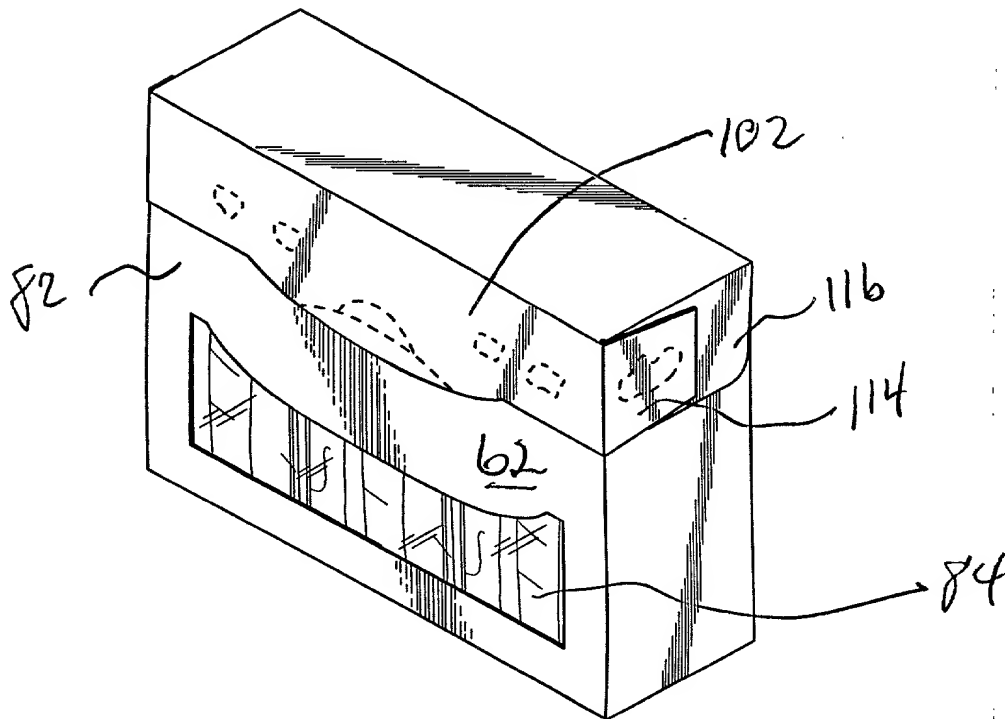


Fig. 29



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Fig. 30

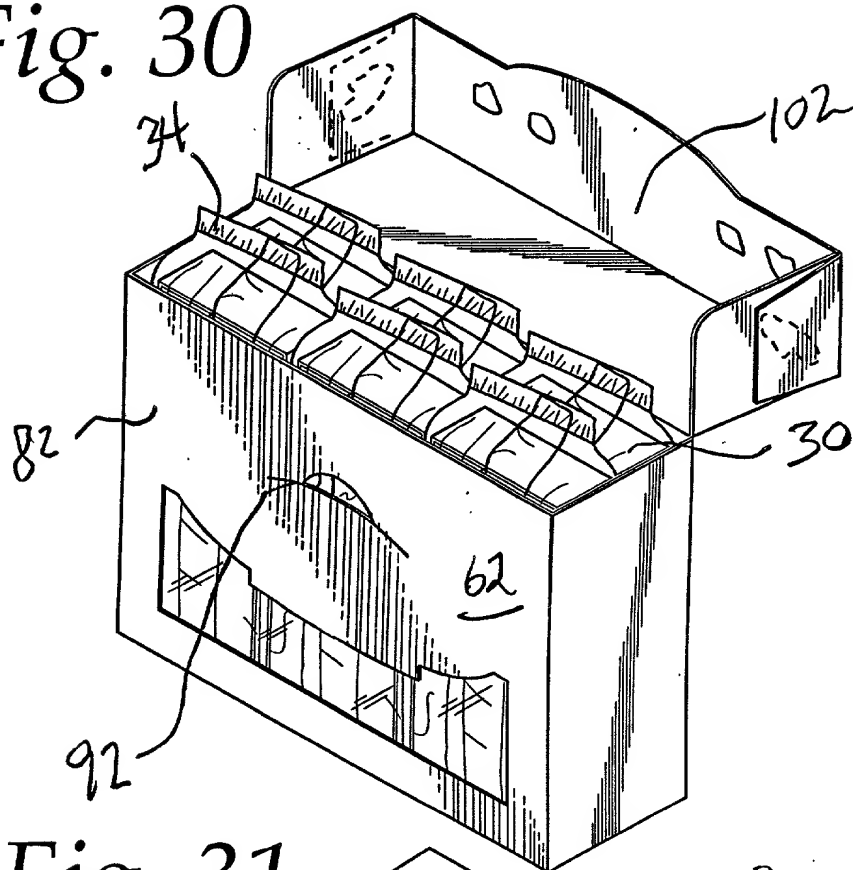


Fig. 31

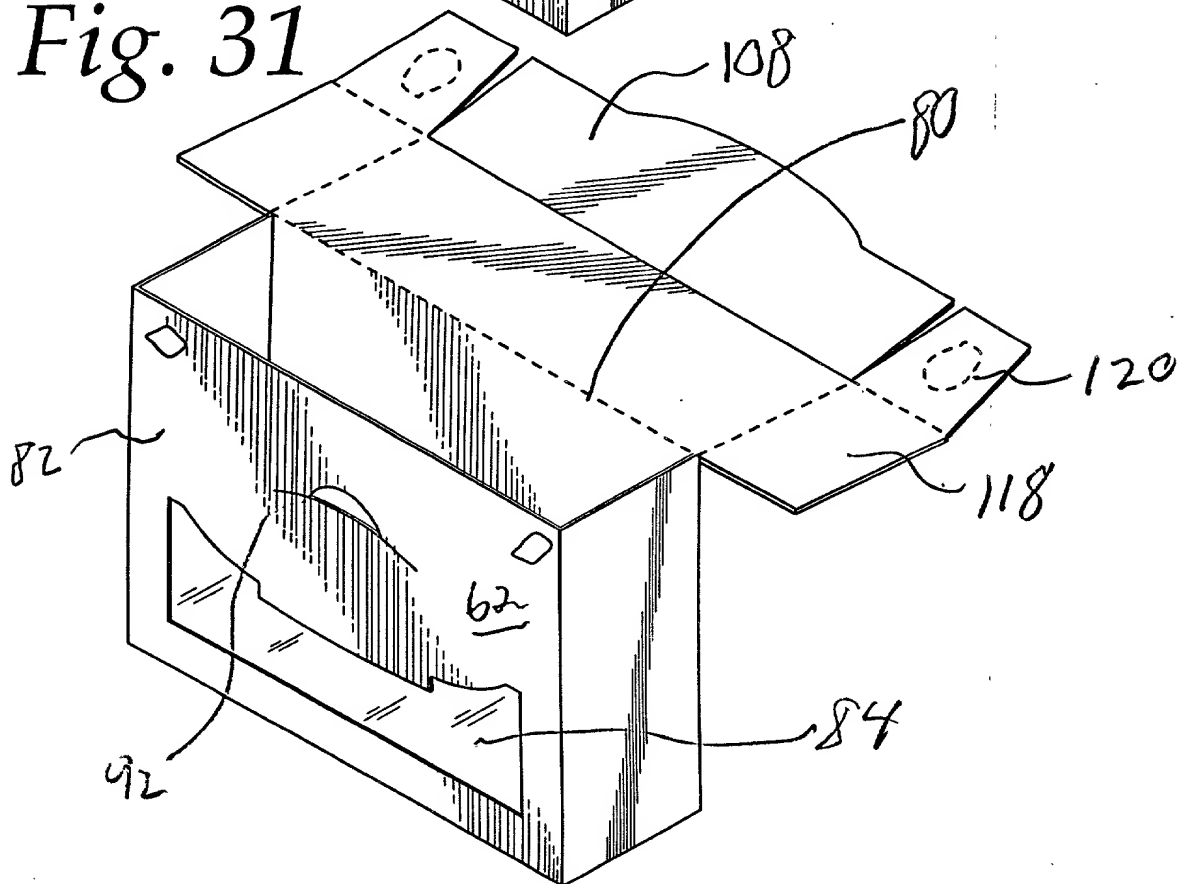


Fig. 32

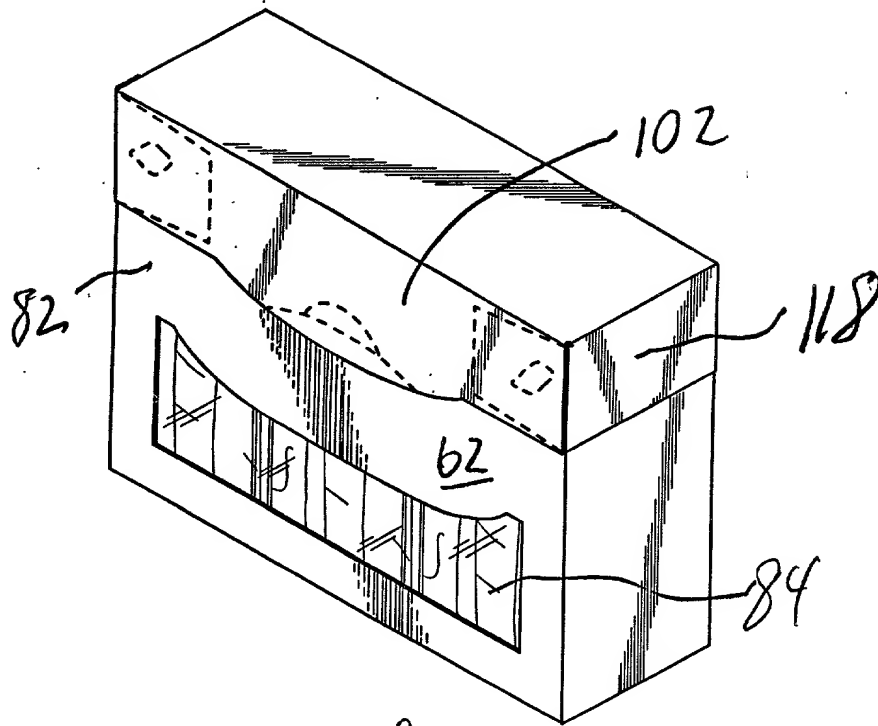
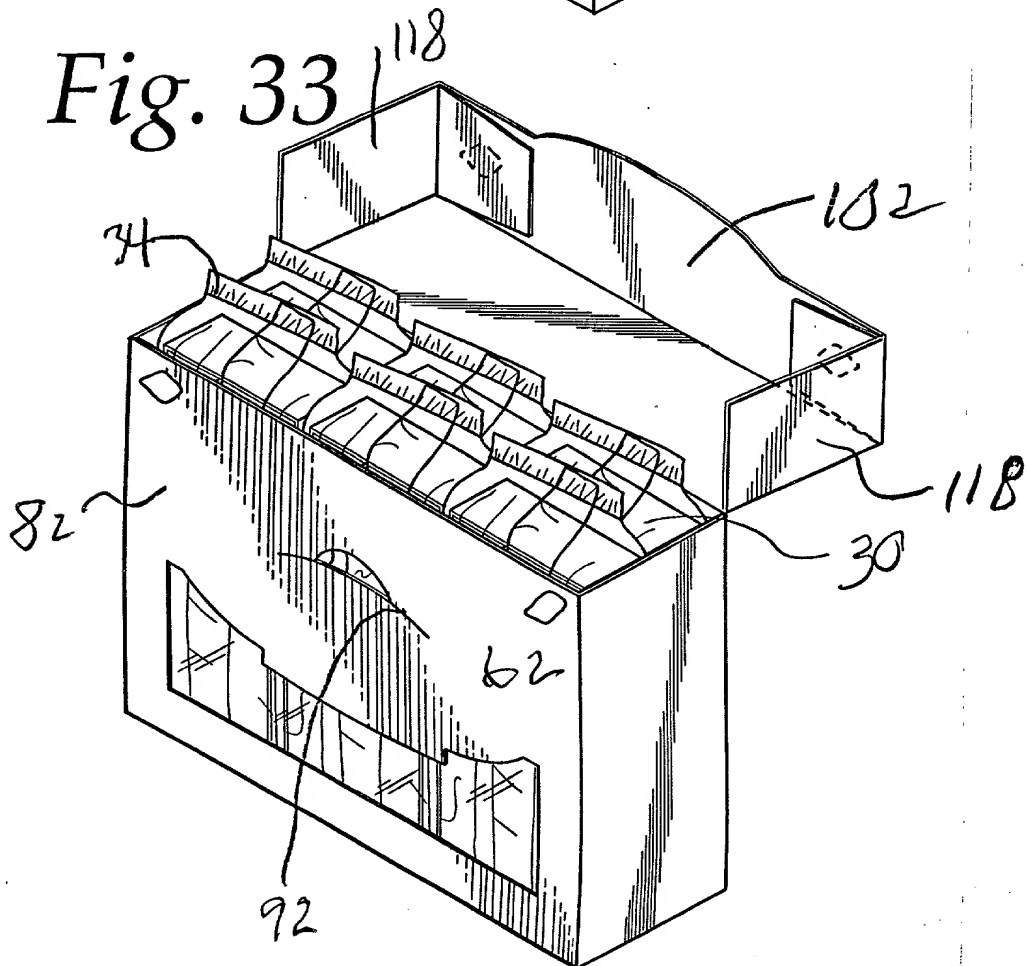


Fig. 33





DECLARATION  
FOR UTILITY OR DESIGN  
PATENT APPLICATION

☒ Declaration Submitted With Initial Filing  
☐ Declaration Submitted After Initial Filing

) Attorney Docket No.: 66688  
)  
) First Named Inventor: Barr  
)  
) Application Number: Not Yet Assigned  
)  
) Filing Date: Not Yet Assigned  
)  
) Group Art Unit: Not Yet Assigned  
)  
) Examiner Name: Not Yet Assigned

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

END-LOAD CARTON PACKAGING INCLUDING FOOD DELIVERY SYSTEM

(Title of Invention)

the specification of which:

(X) is attached hereto, or

( ) was filed by an authorized person on my behalf on \_\_\_\_\_ (Date)  
as United States Application Number \_\_\_\_\_  
or PCT International Application Number \_\_\_\_\_,  
and was amended on \_\_\_\_\_ (if applicable).  
(Date)

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment specifically referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, §1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, §119(a)-(d) or §365(b) of any foreign application(s) for patent or inventor's certificate, or §365(a) of any PCT international application which designated at least one country other than the United States of America, listed below, and I have also identified below, by checking the box, any foreign application for patent or inventor's certificate, or any PCT international application, on this invention filed by me or my legal representatives or assigns and having a filing date before that of the application on which priority is claimed:

Prior Foreign Application Number(s)	Country	Foreign Filing Date	Priority Not Claimed	Certified Copy Attached	
				Yes	No
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

☐ Additional foreign application numbers are listed on a supplemental priority data sheet attached hereto.

I hereby claim the benefit under Title 35, United States Code, §119(e) of any United States provisional application(s) listed below:

<u>Provisional Application Number(s)</u>	<u>Provisional Application Filing Date</u>
60/160,279	October 19, 1999

☐ Additional provisional application numbers are listed on a supplemental priority data sheet attached hereto.

I hereby claim the benefit under Title 35, United States Code, §120, of any prior United States application(s), or under §365(c) of any PCT international application(s) designating the United States of America, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT international application(s) in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose all information known by me to be material to patentability as defined in Title 37, Code of Federal Regulations, §1.56, which became available between the filing date of the prior application(s) and the national or PCT international filing date of this application:

<u>Prior U.S. Application Number</u>	<u>Prior PCT International Application Number</u>	<u>Filing Date of U.S. or PCT International Application</u>	<u>Patent Number (if applicable)</u>
09/433,039		October 25, 1999	

☐ Additional U.S. or PCT international application numbers are listed on a supplemental priority data sheet attached hereto.

As a named inventor, I hereby appoint the following registered practitioners, with full power of substitution and revocation, to prosecute this application and to transact all business in the United States Patent and Trademark Office connected therewith, and request that all correspondence and telephone calls in respect to this application be directed to FITCH, EVEN, TABIN & FLANNERY, Suite 1600, 120 South LaSalle Street

09561171.091300

Chicago, Illinois, 60603-3406, Telephone No. (312) 577-7000, Facsimile No. (312) 577-7007:

<u>Registered Practitioner</u>	<u>Registration Number</u>	<u>Registered Practitioner</u>	<u>Registration Number</u>
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Francis A. Even	16,880	Timothy P. Maloney	38,233
Julius Tabin	16,754	Thomas F. Lebens	38,221
John F. Flannery	19,759	Donald A. Peterson	18,647
Robert B. Jones	20,135	James R. McBride	24,275
James J. Schumann	20,856	Bruce R. Mansfield	29,086
James J. Hamill	19,958	Mark A. Hamill	37,145
Timothy E. Levstik	30,192	Perry J. Hoffman	37,150
Joseph E. Shipley	31,137	James P. Krueger	35,234
Robert J. Fox	27,635	Steven S. Favakeh	36,798
Kenneth H. Samples	25,747	Jay A. Saltzman	38,293
Philip T. Petti	31,651		
John S. Paniaguas	31,051		
Richard A. Kaba	30,562		
Karl R. Fink	34,161		

I hereby declare that all statements made herein of my own knowledge are true, and that all statements made herein on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity or enforceability of the application or any patent issued thereon.

Full name of sole or one joint inventor:

Christopher D. Barr  
(Given names first, with Family name last)

Inventor's signature:

C. Barr

Date:

9/12/00

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City and Country for others)

Post Office Address:

1909 Country Drive, Apt. 302  
Grayslake, IL 60030

Citizenship:

USA



PATENT APPLICATION

Attorney Docket No. 66688  
Date: September 12, 2000

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): BARR et al.

Application No.: Not Yet Assigned

Filed: Not Yet Assigned

For: END-LOAD CARTON PACKAGING INCLUDING  
FOOD DELIVERY SYSTEM

Group Art Unit: Not Yet Assigned

Examiner: Not Yet Assigned

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) Date of Deposit September 13, 2000

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Washington, D.C. 20231.

) Ed Price

) (Typed or printed name of person mailing)

  
(Signature of person mailing)

ASSOCIATE POWER OF ATTORNEY


Commissioner of Patents and Trademarks  
ATTENTION: Assistant Commissioner  
for Patents  
Washington, D.C. 20231

Sir:

The undersigned attorney of record in the above-identified patent  
application hereby appoints Kathleen A. Ranney,

Registration No. 37,702, associate attorney(s) in said  
application to prosecute said application and to transact all business  
in the Patent and Trademark Office connected therewith, and requests  
that all correspondence and telephone calls continue to be directed to  
FITCH, EVEN, TABIN & FLANNERY, Suite 1600, 120 South LaSalle Street,  
Chicago, Illinois 60603-3406, Telephone No. (312) 577-7000, Facsimile  
No. (312) 577-7007.

September 13, 2000  
(Date)

  
Joseph E. Shipley  
Registration No. 31,137

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Barr et a.

Application No.: Not Yet Assigned

Filed: Not Yet Assigned

For: END-LOAD CARTON PACKAGING INCLUDING  
FOOD DELIVERY SYSTEM

Group Art Unit: Not Yet Assigned

Examiner: Not Yet Assigned

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Washington, D.C. 20231.) Ed Price  
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(Signature of person mailing)ASSOCIATE POWER OF ATTORNEYCommissioner of Patents and Trademarks  
ATTENTION: Assistant Commissioner  
for Patents  
Washington, D.C. 20231

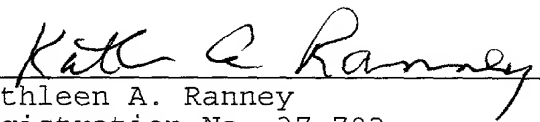
Dear Sir:

The undersigned attorney-of-record in the above-identified patent application hereby appoints the following as Associate Attorneys in connection with said application to prosecute said application and to transact all business in the Patent and Trademark Office connected therewith:

AttorneyRegistration No.Joseph T. Harcarik  
Thomas A. Marcoux  
Debbie K. Wright26,904  
29,826  
33,817

All communications with respect to said application should be directed to FITCH, EVEN, TABIN & FLANNERY, 120 South LaSalle Street, Suite 1600, Chicago, Illinois 60603-3406, Telephone No. (312) 577-7000.

September 13, 2000  
(Date)

  
Kathleen A. Ranney  
Registration No. 37,702